



EFFICIENCY AND DISCIPLINE RULES, 1975

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EFFICIENCY AND DISCIPLINE RULES, 1975

GOVERNMENT OF THE PUNJAB SERVICES, GENERAL ADMINISTRATION & INFORMATION DEPARTMENT

NOTIFICATION

The 12th March 1975

No. SORI(S&GAD)1-65/73 – In exercise of the powers conferred by section 23 of the Punjab Civil Servants Act, 1974, the Governor of the Punjab is pleased to make the following rules, namely:

THE PUNJAB CIVIL SERVANTS (EFFICIENCY AND DISCIPLINE) RULES, 1975

CHAPTER - I PRELIMINARY

1. **Short title, commencement and application** – (1) These Rules may be called the Punjab Civil Servants (Efficiency and Discipline) Rules, 1975.

(2) They shall come into force at once and apply to all civil servants except members of *such services and holders of such posts, as may be specified by Government.

2. **Definitions**– (1) In these rules, unless the context otherwise requires –

(a) “accused” means a civil servant against whom action is taken under these rules;

(b) “authority” means the Government or an officer or **authority designated by it to exercise the powers of the authority under these rules;

##(c) “authorized officer” means an officer authorized or designated by Government to perform the functions of an authorized officer under these Rules:

Provided that where in the case of a civil servant no authorized officer has been so authorized or designated, the authority shall have power to appoint an officer to act as authorized officer in that case:

Provided further that in relation to a civil servant, the authority may be authorized to act as authorized officer:

*The provisions of these Rules shall not apply to the subordinate Executive Officers of Prisons other than the Superintendents, Assistant Medical Officers, Medical Officers and the ministerial staff thereof. (vide Notification No.SORI(S&GAD) 1-87/81 dated 18.10.1982).

**In matters of disciplinary action against officers in whose case Government is designated in the relevant Delegation of Powers Rules as "authority", the Chief Secretary shall be the "authority" for officers in BPS-18 (vide Notification No.SORI(S&GAD)1-50/82 dated the 19th September 1982).

##Substituted vide Notification No.SORI(S&GAD)1-55/81 dated the 1st April 1982.

****** Provided further that the authority in its discretion shall act as authorized officer where it deems appropriate.

- (d) "misconduct" means conduct prejudicial to good order or service discipline or contrary to the ~~West Pakistan~~ Punjab Government Servants (Conduct) Rules, 1966 as applicable to the Province of the Punjab or conduct unbecoming of an officer and a gentleman and includes any act on the part of a civil servant to bring or attempt to bring political or other outside influence directly or indirectly to bear on the Governor, the Chief Minister, a Minister, or any Government officer in respect of any matter relating to the appointment, promotion, transfer, punishment, retirement or other conditions of service of a civil servant; and
- (e) "Penalty" means a penalty which may be imposed under these rules.

(2) In case two or more civil servants are to be proceeded against jointly, the authority or, as the case may be, the authorized officer for the civil servant senior-most in rank, shall be the authority or, as the case may be, the authorized officer in respect of all such accused.

(3) The various authorities empowered to award major punishments under the various Delegation of Powers Rules, shall, in respect of civil servants to whom they are competent to award major punishment, exercise the powers of "the authority" under these rules and the authorities empowered to award minor punishment under the said Delegation of Powers Rules are, in respect of the civil servants to whom they are competent to award minor punishment, authorized to exercise the powers of "Authorized Officer" under these rules.

(4) Words and expressions used but not defined shall bear the same meanings as they bear in the Punjab Civil Servants Act, 1974.

2-A. Save in cases where Government is to act as 'the authority' or 'the authorized officer', notwithstanding anything to the contrary contained in rule 2, where 'the authority' or 'the authorized officer' would personally be interested in the result of proceedings under these rules, 'the authority' or 'the authorized officer' shall not proceed with the case and shall –

- (i) in the case of 'authorized officer' report the matter to 'the authority' which shall appoint and authorize another officer of the corresponding rank or status to act as 'authorized officer'; and
- (ii) in the case of 'authority', report the matter to the appellate authority to which the orders passed by 'the authority' are ordinarily appealable and such appellate authority shall appoint and authorize another officer of the corresponding rank and status to act as the 'authority'.

****** Added vide Notification No. SOR.I(SGA& ID) 1-7/86 dated 6th June 1993.

Added vide Notification No. SORI(S& GAD)1-5/75 dated the 10th July 1975.

CHAPTER II – PENALTIES

3. **Grounds for penalty** – A civil servant, who, –

- (a) is inefficient or has ceased to be efficient; or
- (b) is guilty of misconduct; or
- (c) is corrupt, or may reasonably be considered corrupt because :
 - (i) he is, or any of his dependents or any other person through him or on his behalf, is in possession of pecuniary resources or of property disproportionate to his known sources of income, which he cannot reasonably account for; or
 - (ii) he has assumed a style of living beyond his ostensible means; or
 - * (iii) he has a persistent reputation of being corrupt; or
- (d) is engaged, or is reasonably suspected of being engaged in subversive activities, or is reasonably suspected of being associated with others engaged in subversive activities or is guilty of disclosure of official secrets to any unauthorized person, and his retention in service is, prejudicial to national security;

shall be liable to be proceeded against under these rules and one or more of the penalties hereinafter mentioned may be imposed on him.

4. **Penalties** – (1) The following are the minor and major penalties, namely –

- (a) **Minor Penalties:**
 - (i) censure;
 - (ii) withholding, for a specific period, promotion or increment, otherwise than for unfitness for promotion or financial advancement in accordance with the rules or orders pertaining to the service or post;
 - (iii) stoppage, for a specific period, at an efficiency bar in the time-scale, otherwise than for unfitness to cross such bar.
 - ** (iv)
- (b) **Major Penalties:**
 - (i) reduction to a lower grade or post or time-scale or to a lower stage in a time-scale;

* Added vide Notification No.SORI (S& GAD)1-65/73 dated 7th October 1976.

** Omitted vide Notification No.SORI (S& GAD)1-55/81 dated 01.04.1982.

- **** (i-a) recovery of the whole or any part of any pecuniary loss caused to Government by negligence or breach of orders;
- (ii) compulsory retirement;
- (iii) removal from service; and
- (iv) dismissal from service.

(2) Removal from service does not, but dismissal from service does, disqualify for future employment.

(3) In this rule, removal or dismissal from service does not include the discharge of a civil servant –

- (a) Appointed on probation, during the period of probation, or in accordance with the probation or training rules applicable to him; or
- (b) appointed, otherwise than under a contract, to hold a temporary appointment, on the expiration of the period of appointment; or
- (c) engaged under a contract, in accordance with the terms of the contract.

****** Added vide notification No.SORI(S&GAD) 1-55/81 dated 1st April, 1982.

CHAPTER III – INQUIRY AND IMPOSITION OF PENALTIES

*5. **Initiation of proceedings** – (1) If, on the basis of its own knowledge or information placed before it, the authority is of the opinion that there are sufficient grounds for proceeding against a civil servant, or where the Anti-Corruption Establishment has, under Rule 15(1)(b) of the Punjab Anti-Corruption Establishment Rules, 1985, recommended departmental action, it shall direct the authorized officer to proceed against the said civil servant.

(2) Where no authorized officer stands designated in respect of the accused civil servant, the authority shall simultaneously appoint an officer senior in rank to the accused, to perform the functions of an authorized officer.

****6. Procedure to be observed by the authorized officer –**

(1) In a case where a civil servant is accused of subversion, corruption or misconduct, he may be placed under suspension by the authority, or with the prior approval of the authority, by the authorized officer, or he may be required by the authorized officer to proceed on leave:

***Provided that the continuation of suspension or grant of any extension in leave shall require the prior approval of authority after every three months.

(2) Within three days of the receipt of the direction from the authority under rule 5, or within such further period as may be allowed by the authority at the written request of the authorized officer, the authorized officer shall decide whether in the light of the facts of the case or in the interest of justice, an inquiry is necessary.

(3) If the authorized officer decides that it is not necessary to have an inquiry conducted against the accused, he shall –

- (a) inform the accused forthwith, by an order in writing, of the action proposed to be taken in regard to him and the grounds of the action; and
- (b) give him a reasonable opportunity of showing cause against that action within a period of fourteen days from the date of receipt of the order under clause (a):

Provided that no such opportunity shall be given where, in the interest of security of Pakistan or any part thereof, it is not expedient to do so but before denying this opportunity, the authorized officer shall obtain the prior approval of the authority.

#(4) Within 7 days of the receipt of the explanation, if any, of the accused, or within such further period as may be allowed by the authority at the written

*Substituted vide Notification No.SORI(S&GAD)1-66/83 dated 19th January 1986.

**Substituted vide Notification No.SOR-I(S&GAD)1-55/81 dated 1st April 1982.

*** Substituted vide Notification No.SOR-I(S&GAD)1-65/73 dated 29th November 1984.

request of the authorized officer, the authorized officer shall determine whether the charge has been proved. If it is proposed to impose a minor penalty the authorized officer shall, after affording the accused an opportunity of personal hearing, pass orders accordingly. If, however, the authorized officer considers it to be a case for major penalty, he shall, after affording the accused, an opportunity to offer his explanation against his recommendations for imposition of major penalty, forward the case to the authority along with the explanation of the accused and his own recommendations regarding the penalty to be imposed.

*Provided that in case of joint inquiry if the authorized officer reaches the conclusion to impose minor penalty/penalties on one or more of the accused and recommends imposition of major penalty/penalties in respect of the other(s) accused, he shall send the whole case to the authority for taking a final decision.

(5) If under sub-rule (2) the authorized officer considers that an inquiry is necessary, he shall appoint an Inquiry Officer or an Inquiry Committee consisting of two or more persons who or one of whom shall be of a rank senior to that of the accused or if there are more than one accused, senior to all the accused.

(6) Where an Inquiry Officer or an Inquiry Committee is appointed under sub-rule (5), the authorized officer shall simultaneously frame a charge and communicate it to the accused together with a statement of allegations explaining the charge and other relevant circumstances which are proposed to be taken into consideration and require the accused, within a reasonable time which shall not be less than seven days or more than fourteen days from the day the charge has been communicated to him, to put in a written defence directly before the Inquiry Officer or the Inquiry Committee, as the case may be.

(7) The authorized officer, immediately after communicating the charge to the accused under sub-rule (6), shall forward such record or copies thereof and such other material as is necessary for the conduct of the inquiry to the Inquiry Officer or the Inquiry Committee, as the case may be.

****7. Procedure to be observed by the Inquiry Officer or Inquiry Committee –**

(1) On receipt of the record and the explanation of the accused referred to in the preceding rule, the Inquiry Officer or the Inquiry Committee, as the case may be, shall enquire into the charge and may examine such oral or documentary evidence in support of the charge or in defence of the accused, as may be considered necessary, and where any witness is produced by one party, the other party shall be entitled to cross-examine that witness.

(2) If the accused fails to furnish his explanation within the period specified, the Inquiry Officer or the Inquiry Committee, as the case may be, shall proceed with the inquiry.

#Substituted vide Notification No.SORI(S&GAD)1-65/73 dated 29th November 1984.

*Added vide Notification No. SOR.I(SGA&ID) 1-7/86 dated 6th June 1993.

**Substituted vide Notification No. SORI(SGA&ID) 1-55/81 dated 1st April 1982.

(3) The Inquiry Officer or the Inquiry Committee, as the case may be, shall hear the case from day to day and no adjournment shall be given, except for reasons to be recorded in writing. However, every adjournment, with reasons therefore, shall be reported forthwith to the authorized officer. Normally, no adjournment shall be for more than a week.

(4) Where the Inquiry Officer or the Committee, as the case may be, is satisfied that the accused is hampering or attempting to hamper the progress of the Inquiry, he or it shall administer a warning and if, thereafter, he or it is satisfied that the accused is acting in disregard of the warning, he or it shall record a finding to that effect and proceed to complete the inquiry in such manner as he or it thinks best suited to do substantial justice.

(5) If the accused absents himself from the enquiry on medical grounds he shall be deemed to have hampered or attempted to hamper the progress of the enquiry, unless medical leave, applied for by him, is sanctioned on the recommendation of a Medical Board. Where, in view of the serious condition of the accused, it may not be possible for him to appear before the Medical Board, the Board shall examine him at his residence of which complete address must always be given in the leave application and at which he must be available:

Provided that the authorized officer may, in his discretion, sanction medical leave upto seven days without the recommendation of the Medical Board.

(6) The Inquiry Officer or the Inquiry Committee, as the case may be shall complete the inquiry proceedings within a period of sixty days, commencing from the last date of submission of the written defence by the accused and shall, within ten days of the expiry of the said period of sixty days or within such further period as may be allowed by the authorized officer, submit his or its findings and the grounds thereof to the authorized officer.

***7-A. The authorized officer, on receipt of the report of the Inquiry Officer or Inquiry Committee,** shall determine whether the charge has been proved. If it is proposed to impose a minor penalty he shall, after affording the accused an opportunity of showing cause against the action proposed, pass order accordingly. If it is proposed to impose a major penalty, he shall, after affording the accused an opportunity to offer his explanation against his recommendations for imposition of major penalty, forward the case to the authority along with the charge sheet, a statement of allegations served on the accused, explanation of the accused, the finding of the Inquiry Officer or the Inquiry Committee, as the case may be and his own recommendations regarding the penalty to be imposed. In case it is proposed to drop the proceedings, the authorized officer shall submit the case with all relevant material/documents to the authority for appropriate orders.

***7-B. Appearance of Counsel** – No party to any proceeding under these rules before the authority, the authorized officer, an inquiry officer, an inquiry committee or appellate authority shall be represented by a lawyer.

* Substituted vide Notification No. SOR-I(SGA&ID) 1-65/73 dated 29.11.1984.

* Added vide Notification No.SORI(S&GAD)1-55/81 dated 01.04.1982.

#7-C. Expeditious disposal of proceedings—

(1) In a case where the authorized officer decides not to have an inquiry conducted against the accused, the proceedings must be finalized by him within a period of forty-five days from the date of receipt of the direction under rule 5 and a report to that effect submitted to the authority.

(2) In a case where the authorized officer has appointed an Inquiry Officer or Inquiry Committee, he should ensure that the entire proceedings are completed within a period of ninety days from the date of receipt of direction under rule 5 and shall submit a report thereof to the authority.

(3) Where inquiry proceedings are not completed by the inquiry officer or the inquiry committee, as the case may be, within ** (the prescribed period) the Inquiry Officer or the Inquiry Committee, as the case may be, shall report the position of the inquiry to the authorized officer intimating the reasons why the inquiry could not be completed within that period and the approximate further time that is likely to be taken in the completion of the inquiry and the authorized officer shall immediately cause the same to be produced before the authority.

(4) The authority on receipt of report under sub rules (2) and (3), shall pass such orders for expeditious finalization of the proceedings as it may deem fit.

***8. **In the case of any proceedings** the record of which has been reported for orders under sub-rule (4) of rule 6 or ~~## (sub-rule (8) of rule 7~~ rule 7-A) the authority may pass such orders as it deems fit but before imposing a major penalty, the authority shall afford the accused an opportunity of being heard in person either before himself or before an officer senior in rank to the accused designated for the purpose, after taking into consideration the record of such personal hearing prepared by the officer so designated.

* Provided that where the authority is satisfied that inquiry proceedings have not been conducted in accordance with these rules and/or facts and merits of the case have been ignored it may order initiation of de novo inquiry.

9. *** Certain rules not to apply in certain cases** – (1) Where a civil servant is convicted of an offence involving moral turpitude which has led to a sentence of fine or imprisonment, he may, after being given a show cause notice be dismissed, removed from service or reduced in rank without following the procedure laid down in rules 5, 6, 7 and 8.

(2) Where the authority is satisfied, that for reasons to be recorded in writing, it is not reasonably practicable to give the accused civil servant an

#Added vide Notification No.SORI(S& GAD)1-55/81 dated 01.04.1982.

**Substituted for the words “a period of forty-five days of the date on which the accused puts in his written defence, if any” vide Notification No.SORI(S& GAD) 1-65/73(P.III) dated 30th September 1985.

***Substituted vide Notification No.SORI(S& GAD)1-36/80 dated 18.06.1980.

##Substituted vide Notification No.SORI(S& GAD)1-55/81 dated 23rd November 1982.

*Added vide Notification No. SOR.I(SGA& ID) 1-7/86 dated 6th June 1993.

*Substituted vide Notification No.SORI(S& GAD)1-55/81 dated 01.04.1982.

opportunity of showing cause it may impose any of the penalties under these rules without following the procedure laid down in rules 5, 6, 7 and 8.

♥(3) Notwithstanding the other provisions of these rules where the Government or authority is satisfied that one or more civil servants, individually or collectively, have taken part in agitational and subversive activities, resorted to strike, abandoned their official duty or incited others to do so, the Government or the authority may after serving upon them a notice through a publication in a daily newspaper or in any other manner, asking them to resume duty, and on their failure or refusal to resume their duty impose upon the defaulting civil servant the penalty of dismissal or removal from service without following the procedure as laid down in rules 5, 6, 7 and 8 *ibid*.

10. Procedure of inquiry against officers lent to other Governments, etc. – (1)
Where the services of a civil servant to whom these rules apply are lent to any other Government or to a local or other authority, in these rules referred to as the borrowing authority, the borrowing authority shall have the powers of authority for the purpose of placing him under suspension or requiring him to proceed on leave and of initiating proceedings against him under rules:

Provided that the borrowing authority shall forthwith inform the authority which has lent his services, hereinafter in these rules referred to as the lending authority, of the circumstances leading to the order of his suspension or the commencement of the proceedings, as the case may be.

Provided further that the borrowing authority shall obtain prior approval of the Government of the Punjab before taking any action under these rules against a civil servant holding a post in ** (Basic Pay Scale) 17 or above.

(2) If, in the light of the findings in the proceedings taken against a civil servant in terms of sub-rule (1) above, the borrowing authority is of the opinion that any penalty should be imposed on him, it shall transmit to the lending authority the record of the proceedings and thereupon the lending authority shall take action as prescribed in these rules.

*(3) Notwithstanding anything to the contrary contained in sub-rule (1) and (2) Government may, in respect of certain civil servants or categories of civil servants, authorize the borrowing authority to exercise all the powers of authority and authorized officer under these rules.

11. Power to order Medical Examination as to mental or bodily infirmity –
(1) Where it is proposed to proceed against a civil servant on the ground of inefficiency by reasons of infirmity of mind or body, the authority may, at any stage, whether or not an authorized officer has been directed to proceed against him, require the civil servant to undergo a medical examination by a Medical Board or a Medical Superintendent as the authority may direct, and the report of the Board or the Medical Superintendent shall form part of the proceedings.

♥ Added vide Notification No.SORI(S&GAD)1-55/81(P) dated 31.05.1986.

**Substituted for the word "Grade" vide Notification No. SOR.I(S&GAD) 1-65/73 dated 29th November 1984.

*Added vide Notification No.SORI(S&GAD)1-21/82 dated 03.03.1982.

(2) If a civil servant refuses to undergo such an examination, his refusal may, subject to the consideration, of such grounds as he may give in support of it, be taken into consideration against him as showing that he had reason to believe that the result of the examination would prove unfavorable to him.

12. Powers of Inquiry Officer and Inquiry Committee— (1) For the purpose of an inquiry under these rules, the Inquiry Officer and the Inquiry Committee shall have the powers of a civil court trying a suit under the Code of Civil Procedure, 1908 (*Act V of 1908*), in respect of the following matters, namely:

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents;
- (c) receiving evidence on affidavits; and
- (d) issuing commissions for the examination of witnesses or documents.

(2) The proceedings under these rules shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Pakistan Penal Code (*Act XLV of 1860*).

CHAPTER IV – APPEALS, REVISIONS, ETC.

13. **Appeal against Penalty** – Any civil servant on whom a penalty has been imposed under these rules, except where the penalty has been imposed by the Government, may within 30 days from the date of the communication of the order, appeal to such authority as may be prescribed:

Provided if the appellate authority is satisfied that there is sufficient ground for extending the time it may entertain the appeal at any time.

14. **Petition of appeal** – Every appeal preferred under these rules shall be made in the form of a petition, in writing, and shall set forth concisely the grounds of objection to the order appealed from, and shall not contain disrespectful or improper language and shall be filed with the authority which or the authorized officer who, as the case may be, passed the original orders. The authority or the authorized officer, receiving the appeal, shall forward the same along with the comments within a fortnight, to the appellate authority.

15. **Determination of appeal** – (1) The appellate authority shall cause notice to be given to the appellant and the authority or the authorized officer imposing penalty, of the time and place at which such appeal will be heard. The appellate authority shall send for the record of the case, if such record is not already with it. After perusing such record and hearing the appellant, if he appears, and the representative of the punishing authority, if he appears, the appellate authority may, if it considers that there is no sufficient ground for interfering, dismiss the appeal or may –

- (a) reverse the finding and acquit the accused; or
- (b) order and direct that further or fresh inquiry be made; or
- (c) alter the finding maintaining the penalty or with or without altering the finding, reduce the penalty; or
- (d) subject to the provisions of sub-rule (2), enhance the penalty.

""Provided that where Governor or **Chief Minister is the appellate authority, he may, in his discretion, designate any officer, except the one against whose orders the appeal has been preferred, for the purpose of affording the appellant an opportunity of being heard in person and submit the case to the Governor or Chief Minister for final determination of the appeal".

(2) Where the appellate authority proposes to enhance the penalty, it shall–

- (i) by order, in writing, inform the accused of the action proposed to be taken and the grounds of the action; and

*Added vide Notification No.SOR-I(S&GAD)1-98/83 dated 01.04.1985

**The words "or Chief Minister" were added vide Notification No.SOR-I(S&GAD) 4-10/83 dated 06.11.1985.

- (ii) give him a reasonable opportunity to show cause against that action.

(3) In dealing with an appeal, the appellate authority, if it thinks additional evidence to be necessary, may either take such evidence itself or direct it to be taken by the authorized officer and when such evidence has been taken the appellate authority shall thereupon proceed to dispose of the appeal.

16. Review and not appeal in certain cases – Where the original order has been passed by the Government, no appeal shall lie, and instead, a review petition shall lie to the Government and the Government may, in its discretion, exercise any of the powers conferred on the appellate authority:

Provided that it shall not be necessary for the Government to afford the accused an opportunity to be heard in person except where the Government proposes to increase the penalty, in which case he shall, by order in writing, inform the accused of the action proposed to be taken and the grounds of the action and give him a reasonable opportunity to show cause against that action.

17. No second appeal except in certain cases – (1) No appeal shall lie against any order made by the appellate authority except in case the appellate authority enhances the penalty.

(2) In every case, in which the appellate authority enhances the penalty imposed by the authority or the authorized officer, the accused may, within 30 days of the communication of the orders, appeal to the authority next higher thereto:

Provided if the second appellate authority is satisfied that there is sufficient ground for extending the time, it may entertain the appeal at any time.

(3) The appeal shall be filed in the manner indicated in rule 14 and the second appellate authority shall determine the appeal in the manner provided for the first appellate authority and may exercise any of the powers conferred on the first appellate authority.

18. Revision – (1) The Government may call for and examine the record of any proceeding before any authority for the purpose of satisfying as to the correctness, legality or propriety of any finding, penalty or order recorded or passed and as to the regularity of any proceeding of such authority.

(2) On examining any record under this rule, the Government may direct the authority to make further inquiry into the charges of which the accused has been acquitted and discharged, and may, in its discretion, exercise any of the powers conferred on an appellate authority:

Provided any order under this rule made prejudicial to the accused shall not be passed unless he has been given an opportunity to show cause against the proposed action:

*Provided further that an order imposing punishment or exonerating the accused shall not be revised suo moto or otherwise after the lapse of a period of one year from the date of its communication to the accused except in case where appeal is preferred against the punishment.

(3) No proceeding by way of revision shall be entertained at the instance of the accused who has a right of appeal under these rules and has not brought the appeal.

*Substituted vide Notification No. SOR.I(SGA&ID) 1-7/86 dated 6th June 1993.

CHAPTER V – REPEAL

19. **Repeal** – (1) The West Pakistan Government Servants (Efficiency and Discipline) Rules, 1960, in their application to the civil servants to whom these rules apply, are hereby repealed.

(2) Notwithstanding the repeal of the West Pakistan Government Servants (Efficiency and Discipline) Rules, 1960, hereinafter referred to in this sub-rule as the said rules-

- (a) Subject to the provisions of Chapter-IV of these rules, any departmental inquiry or proceedings pending immediately before the coming into force of these rules, shall be completed and orders passed thereon as if the said rules had not been repealed; and
- (b) any notification or instructions issued thereunder so far as they are not inconsistent with these rules, shall be deemed to have been issued under these rules.

(3) Any person or authority, or the successor of the same, authorized to exercise powers by virtue of a delegation made by the Government from time to time subsisting immediately before the commencement of these rules, shall, to the extent of the powers delegated and so far as is not inconsistent with these rules, be deemed to be an authority designated under these rules.

ANCILLARY INSTRUCTIONS

THE PUNJAB CIVIL SERVANTS
(EFFICIENCY AND DISCIPLINE) RULES, 1975

NOTIFICATION

The 24th February 1973

No. SORI (S&GAD) 1-36/65– In exercise of the powers conferred by sub-rule (2) of rule 1 of the West Pakistan Government Servants (Efficiency and Discipline) Rules, 1960, the Governor of the Punjab is pleased to direct that –

- (i) the said Rules shall not apply to the members of Subordinate Police Service up to the rank of Inspector:

Provided that an enquiry started under the said Rules shall be completed under these Rules; and

- (ii) the members of the Subordinate Police Service upto the rank of Inspector shall be governed by the Punjab Police Rules, 1934.

NOTIFICATION

Dated the 18th October 1982

No. SOR-I(S&GAD) 1-87/81–In exercise of the powers conferred by sub-rule (2) of rule 1 of the Punjab Civil Servants (Efficiency and Discipline), Rules, 1975 and in supersession of Government of the Punjab, SGA&ID Notification No. SOR-I (S&GAD)1-51/72 dated 19.03.1974, the Governor of the Punjab is pleased to direct that the provisions of Punjab Civil Servants (Efficiency and Discipline) Rules, 1975 shall not apply to the subordinate Executive Officers of Prisons other than the Superintendents, Assistant Medical Officers, Medical Officers and the ministerial staff thereof.

NOTIFICATION

The 19th September 1982

No. SORI (S&GAD) 1-50/82– In exercise of the powers vested in him under section 23 of the Punjab Civil Servants Act, 1974 and clauses (b) and (c) of rule 2 (1) of the Punjab Civil Servants (Efficiency and Discipline) Rules, 1975, the Governor of the Punjab is pleased to direct that in matters of disciplinary action against Officers in whose case Government is designated in the relevant Delegation of Powers Rules as "authority", the Chief Secretary shall be –

- (i) the authority for officers in grade-18.

*No.SORI(S&GAD)1-36/80
The 11th September 1980

*Withdrawn vide Notification No. SORI(S&GAD)1-36/80 dated 1st November 1997.

Subject: THE PUNJAB CIVIL SERVANTS (EFFICIENCY AND DISCIPLINE)
RULES, 1975

I am directed to say that the West Pakistan Government Servants (Efficiency and Discipline) Rules, 1960 have been replaced by the Punjab Civil Servants (Efficiency and Discipline) Rules, 1975 of which a copy with some spare copies is enclosed for use in your Department and the attached Departments and subordinate offices under your administrative control. More copies will be supplied in due course according to your requirements, which may be intimated.

2. The salient features of the new Rules are –

- (i) Enquiry procedure was previously different for–
 - 1. cases of subversion;
 - 2. cases of inefficiency or misconduct calling for minor penalties; and
 - 3. cases calling for major penalties.

This has been made continuing process of action for all types of cases. The enquiry in all cases would be initiated by the "Authorized Officer". It would be finalized at his level if the resultant penalty is to be one of the minor penalties. The case would be referred to the "authority", if any of the major penalties may have to be imposed.

- (ii) the various authorities empowered to award major punishment under the various Delegation of Powers Rules, are, in respect of civil servants to whom they are competent to award major punishment, competent to exercise the powers of the "authority" and the authorities empowered to award minor punishment in respect of the civil servants to whom they are competent to award minor punishment, authorized to exercise the powers of the "authorized officer";
- (iii) the definition of "misconduct" has been elaborated to include conduct unbecoming of an officer and a gentleman, as also any act on the part of a civil servant to bring or attempt to bring political or other outside influence, directly or indirectly, to bear on the Government or any Government officer in respect of any matter relating to the appointment, promotion, transfer, punishment, retirement or other conditions of service;
- (iv) the provisions about (1) notice of proposed penalty and (2) consultation with the Public Service Commission, have been omitted;

- (v) previously only a Government servant charged of subversion could be forced to proceed on leave. This provision now applies to all cases subject to entitlement of leave;
- (vi) "Appeal Rule" has been made self-contained;
- (vii) suo moto reversionary powers, previously available under rule 14.18 of the CSR (Punjab) Volume I, Part-I, have been revived subject to certain conditions and limitations of time (3 months beginning from the date of the final order in a case);
- (viii) the provisions already existing in the West Pakistan Enquiries (Powers) Act, 1958 have been incorporated in the new rules so as to have the Enquiry Officer and the Enquiry Committee, as the case may be, to exercise the powers of a Civil Court, in respect of specified matters in connection with departmental enquiry;
- (ix) Where the accused absents himself from the enquiry on medical grounds he is to be deemed to have hampered or attempted to hamper the progress of the enquiry, unless medical leave applied for by him, is sanctioned on the recommendation of a Medical Board. Where in view of his serious condition, it may not be possible for him to appear before the Medical Board, the Board shall arrange to examine him at the place of his residence, of which he will have to mention complete address in his leave application.

3. I am to request that the provisions of the new Efficiency and Discipline Rules may be brought to the notice of all concerned, for information and guidance.

No.SORI(S&GAD)1-71/74
Dated the 26th June 1975

Subject: IMPOSITION OF PENALTY ON CIVIL SERVANTS CONVICTED
IN A COURT OF LAW

I am directed to refer to rule 9(a) of the Punjab Civil Servants (Efficiency and Discipline) Rules, 1975, [the corresponding rule in the West Pakistan (Efficiency and Discipline) Rules, 1960 was rule 6B(a)] according to which a person is not entitled *to the reasonable opportunity of showing cause if he may have to be dismissed or removed from service or reduced in rank on the ground of conduct, which has led to sentence of fine or imprisonment. A question has been raised whether this exemption from observance of the prescribed enquiry procedure can be availed of in the case of a civil servant convicted by a court of law and sentenced to imprisonment or fine, but who may have gone in appeal to the next appellate court and the appellate court may have suspended operation of the sentence and directed the accused to be released on bail.

*Rule 9 stands amended w.e.f. 01.04.1982 and issuance of show cause notice is now required.

2. There can be no doubt that the exemption provided for in rule 9(a) of the Punjab Civil Servants (Efficiency and Discipline) Rules, 1975 can be invoked straight away, because suspension of the operation of sentence does not take away the conviction and during the pendency of the appeal only the operation of the sentence remains suspended.

3. In this connection, I am also to invite attention to para 3 of this Department's circular Memo. No.S.O.XII- 2-22/60, dated the 13th August, 1960, in which it has been stated that if a civil servant is convicted in a court of law, he does not automatically lose his employment under Government but if, in the opinion of the authority competent to pass the order of dismissal, removal or reduction in rank, the grounds which led to his conviction justify the imposition of any of these penalties, that authority can pass such an order and where such a decision is taken on the ground of conduct, which led to the conviction of the person concerned in a court of law, the order can be passed without giving the person concerned a show-cause notice. Such an order is to take effect from the date of the order, if passed, in availing the exemption under rule 9(a) of the Punjab Civil Servants (Efficiency and Discipline) Rules, 1975 and the provisions of the "note" below rule 7.5 of the C.S.R. (Punjab), Vol.I, would not be attracted. Necessary action for amendment of this "note" is being taken separately.

No.SORI(S&GAD)-1-65/73
Dated the 10th September 1979

Subject: PUNJAB CIVIL SERVANTS (E&D) RULES, 1975 CLARIFICATION

The following questions have cropped up in connection with the application of various provisions of the Punjab (Efficiency and Discipline) Rules, 1975:

- i) Whether a copy of the inquiry report should be supplied to the accused officer/official while affording him an opportunity of personal hearing under rule 8 of the Efficiency and Discipline Rules, 1975.
- ii) Whether opportunity of personal hearing should be afforded in case it is proposed to impose a minor penalty under rule 7(8) of the Efficiency and Discipline Rules, 1975.
- iii) Whether the notice under clause (a) of rule 6(3) of the Efficiency and Discipline Rules, 1975 should contain full information about the evidence proposed to be relied upon for action under the said provision.

2. As regards point No. (i) it is clarified that under the existing rules, a copy of the inquiry report or other record cannot be claimed by an accused as a matter of right. However, if it is proposed to take action against him on the basis of such report or record, copies thereof should be supplied to him, if he so demands.

3. With regard to point No. (ii) it is necessary to appreciate the fact that even a minor penalty carries with it a stigma and constitutes a barrier in career advancement

of the accused and justice demands that he should also be given an opportunity of personal hearing by the authorized officer.

4. As regards point No. (iii) rule 6(3) of the Punjab Civil Servants (Efficiency and Discipline) Rules, 1975 requires the authorized officer to inform the accused Government servant of the action proposed to be taken against him and the grounds of the action and give him a reasonable opportunity of showing cause against that action. The expression "reasonable opportunity" has not been defined in the Efficiency and Discipline Rules or in the substantive law, but it has acquired a legal connotation in the sense that superior courts have held it to mean an opportunity according to rules of natural justice. Two widely accepted principles of natural justice are (a) a person must clearly be apprised of the offences with which it is intended to charge him, and (b) he must not be condemned unheard. On the basis of these principles the show cause notice served on a person proposed to be proceeded against under rule 6(3) of the Efficiency and Discipline Rules, 1975, must contain complete information about the grounds on which action is proposed to be taken against him and he must except as provided otherwise, be given reasonable opportunity to defend himself.

No. SORI(S&GAD)1-55/81

Dated the 18th August 1981

Subject: INQUIRIES UNDER THE E&D RULES, 1975

I am directed to say that delay in finalization of departmental inquiries under the Punjab Civil Servants (Efficiency & Discipline) Rules, 1975 has been engaging the attention of Government for quite some time. The Governor Punjab has taken a serious notice of such delays and has been pleased to direct that departmental inquiries should be finalized within the shortest possible time. Delay in completion of proceedings adversely affects the working of the office or the department to which the accused officer belongs because he does not vacate the post held by him and nor replacement can be made till he remains under suspension or otherwise remains preoccupied with the proceedings.

2. In order to speed up the process of departmental inquiries it has been decided to lay down the following guidelines:

- (a) While submitting the case for approval of the authority to initiate proceedings against a civil servant under rule 5 of the Punjab Civil Servants (Efficiency & Discipline) Rules, 1975 it should be ensured that a proposal is also submitted for appointment of authorized officer in cases where no one has been appointed as such or it is intended to appoint an officer other than the officer already designated under the relevant Delegation of Powers Rules. The authority if in the Administrative Department should appoint the authorized officer in such cases simultaneously with its directions to him to proceed under the said rules.
- (b) Draft charge sheet and statement of allegations should invariably be submitted to the authority while seeking its approval to initiate proceedings under rule 5 *ibid*.

- (c) In case the accused officer attempts to hamper the proceedings by delaying tactics the inquiry officer and the authorized officer must follow the procedure prescribed in Rule 7(5) and 7(6) of the Rules.
- (d) Where ex-parte proceedings have been taken by the Inquiry Officer under the rules denovo inquiry on grounds of lack of adequate opportunity for defence should not normally be ordered. As a matter of Policy extreme caution should be exercised in such cases and fresh inquiry should be discouraged.

3. The above instructions may kindly be brought to the notice of all concerned for strict compliance in future.

No.SOXII(S&GAD)5-2/62
Dated the 16th February 1962

Subject: FRAUD OR EMBEZZLEMENT OF GOVERNMENT MONEY

It has been brought to the notice of Government that in cases of fraud or embezzlement of Government money in which a Government servant is involved, no departmental inquiry is held once a case has been handed over to the Police. Cases of financial loss to Government need utmost attention and care. In view of the financial implications, it is necessary that every attempt should be made to fix responsibility for such losses.

2. In this connection, attention is invited to paragraph 3 (I) of Appendix 2 to Financial Handbook No.2, Punjab Financial Rules, Volume II (copy enclosed). The intention seems to be that the head of office or Department should also reach departmental conclusions about such cases, although there is nothing to stop him from using the material collected by the police or the finding reached by the criminal Court. I am to request that the instructions in the Financial Handbook may please be strictly followed in all cases of fraud or embezzlement of Government money.

PARA 3 (1) OF APPENDIX 2 FROM FINANCIAL
HANDBOOK NO.2, PUNJAB FINANCIAL RULES

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There is a tendency for the head of office or department to regard the institution of criminal proceedings as absolving him from the task of conducting an immediate and thorough departmental inquiry. Reluctance may be enhanced by the apprehension that an inquiry may prove prejudicial to the result of the trial in a Court of Law. As a result there has sometime been a great delay in taking departmental proceedings and the results have been inconclusive. The departmental inquiry should not, therefore, be delayed pending the decision of the criminal case, as at a later stage of the evidence might disappear and departmental inquiry may not be brought to any conclusion at all.

NO. SORI(S&GAD)-1-65/73-P-III

Dated the 13th September 1981

**Subject: SUMMONING OF WITNESSES IN DEPARTMENTAL INQUIRIES
UNDER THE EFFICIENCY & DISCIPLINE RULES, 1975**

It has come to the notice of the Government that at times when it becomes necessary to summon some private persons or retired Government servants as witnesses in connection with an inquiry under the Punjab Civil Servants (Efficiency and Discipline) Rules, 1975 for the prosecution or defence, the Inquiry Officer encounters difficulty in ensuring the appearance of such witness before him. Such witnesses claim traveling expenses if they have to undertake a journey from their place of residence to the place of inquiry proceedings. There is no provision in any rule for payment of such expenses. Absence of necessary witnesses apart from delaying the final disposal of the inquiry has the effect of vitiating the proceedings on the ground that the accused does not get an adequate opportunity of defence. In order to avoid such situations the Governor Punjab has been pleased to direct that the Inquiry Officer must reach out to the witnesses and arrange hearing at or near the place of their residence. This may please be brought to the notice of all concerned for strict compliance.

===== NO. SORI(S&GAD)-1-93/84

Dated the 13th December 1984

**Subject: DISCIPLINARY ACTION AGAINST CIVIL SERVANTS CONVICTED
BY MILITARY COURTS**

In pursuance of Government of Pakistan, Cabinet Secretariat, Establishment Division's Office Memo. No.3/6/82-D.2(Pt), Rawalpindi on the subject noted, I am directed to bring to your notice the following excerpts of the directions issued by the CMLA's Secretariat Rawalpindi, for information and strict compliance:

- I. CMLA's Secretariat Rawalpindi No.57/29(1)/IB/AJAG/-CMLA/83, dated the 16th March 1984.
 1. "Instances have come to notice of this Secretariat where certain public servants not falling within the purview of the Pakistan Army Act, 1952 convicted by Military Courts and subsequently granted pardon were reinstated perhaps on the plea that pardon takes away the conviction.
 2. The issue was however examined in consultation with the Law Division who have advised that a free pardon does not restore convicted person to public office forfeited in consequence of a conviction though it may remove disability for fresh grant of employment. A copy of Law Division U.O. Note No. 593/82 dated 20th January 1982 is enclosed for guidance/compliance.
 3. Zone Heads are requested not to order reinstatement while granting pardon to convicts."

II. Office of the Chief Martial Law Administrator Pakistan: Order under Martial Law Order No.10 issued by the Chief Martial Law Administrator Rawalpindi dated 31st July 1984.

1. "In exercise of the powers conferred by the Martial Law Administrator is pleased to interpret and decide that for the Chief Martial Law Administrator Order No.1 of 1981 the word "Court" shall include "A Service Tribunal" and other similar bodies".

III. CMLA Secretariat Rawalpindi No.57/29(I)AJAG/CMLA 27th August 1984.

1. "Some doubts have arisen as to whether a pardoned convict could be reinstated or not. These doubts were mainly created due to the note given under PAA Sec 143 (Pardon takes away the conviction). Instructions have already been issued on the subject vide this Sectt. letter No.57/29(1)/IB/AJAG/CMLA/83, dated 16th March, 1983 and all Zones were required not to issue orders for reinstatement of such convicted civil servants who had been granted pardon by the competent ML Authorities.
2. The matter has been re-examined and it has been decided that the instructions already issued vide our above said letter are required to be strictly complied with. In case there is any Court/Tribunal order for reinstatement of a civil servant on the strength of previous pardon cases the Government should prefer an appeal and if the appeal is already time barred, a petition for condonation of delay may be moved in the appellate court at an early date.
3. It may be appreciated that the term "Service Tribunal" has already been included in the term "Court" as find mention in clause (5) and (6) of Act 15 of the CMLA's order No.1 of 1981, (CMLA's Office Order dated 31st July 1984 refers)".

IV. CMLA's Secretariat Rawalpindi No.57/29(I)AJAG/CMLA dated 25th September 1984.

1. This Secretariat letter No.57/29(I)AJAG/CMLA 27th August 1984 refers. Above quoted letter is amended as under:

"However, in cases where while granting pardon to a Government Servant as MLA directs that the person be reinstated in service, the directions shall be implemented".

2. I am to request that the above instructions may please be brought to the notice of all concerned for strict compliance.

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CORRIGENDA

NO. SORI(S&GAD)-1-93/84

Dated the 16th December 1984

Subject: DISCIPLINARY ACTION AGAINST CIVIL SERVANTS CONVICTED
BY MILITARY COURTS

I am directed to refer to this Department's circular letter No.SORI (S&GAD) 1-93/84, dated the 13th December 1984 on the subject cited above and to request that clause (1) of sub para II of Para 1 may be read as under:

"In exercise of the powers conferred by the Martial Law Order No.10, the Chief Martial Law Administrator is pleased to interpret and decide that for the purposes of clause (5) and (6) of Article 15 of the Chief Martial Law Administrator Order No.1 of 1981 the word "Court" shall include "A Service Tribunal" and other similar bodies".

No. SOXI(S&GAD)5-7/62,

Dated the 24th August 1962

Subject: SUSPENSION OF GOVERNMENT SERVANTS

I am directed to refer to this Department's instructions for the speedy disposal of disciplinary cases issued in this Department's memorandum No.S(R)-21-43/57-SOXIII, dated the 16th November 1957. The position has been reviewed by Government in the light of experience gained during this period. It has been found that a large number of Government servants remain suspended for periods longer than 6 months and most of them get reinstated, which results in financial loss to Government and causes unnecessary inconvenience to Government servants concerned. Suspension should only be resorted to where it is essential.

SUSPENSION IN THE CASE OF DEPARTMENTAL INQUIRY

2. Recourse to suspension should not be made at the time of preliminary inquiry as the situation can be met, if necessary, by transfer of a Government servant from the station of posting. The question of suspension should only be considered when a formal inquiry is to be undertaken by the Inquiry Officer under rule 8 of the West Pakistan Government Servants (Efficiency and Discipline) Rules, 1960. The suspension for corruption or misconduct should only be ordered where it is likely that one of the following penalties can be imposed:

- (a) Reduction to a lower post or time-scale or to a lower stage in time-scale.
- (b) Compulsory retirement.
- (c) Removal from service.
- (d) Dismissal from service.

SUSPENSION IN THE CASE OF POLICE CHALLANS

3. Suspension need not be ordered in all cases when a Government servant is challaned. The criterion should be the same as in the case of departmental inquiry. Normally in court cases it should follow conviction and should be discretionary at other stages. Moreover, a Government servant need not be suspended merely for being in Police custody unless he is convicted and the conditions as laid in the case of departmental inquiry are fulfilled.

4. A Government servant may, however, be suspended on obstinate refusal to carry out an order. This provision is essential. Otherwise, there will be no peremptory remedy available to Government in such cases.

5. The existing policy about station leave as mentioned in paragraph 4 of the letter under reference may be maintained.

No.SO-IV(S&GAD)-1-15/61

Dated the 24th May 1966

Subject: SUSPENSION OF GOVERNMENT SERVANTS

I am directed to refer to this Department's letter No.SOXII(S&GAD) 5-7/62 dated the 24th August 1962, in which instructions were issued about the nature of cases in which a person can be suspended. It has been brought to the notice of Government that inquiries held by the Anti-Corruption Establishment and the inquiries under the West Pakistan Government Servants (Efficiency & Discipline) Rules, 1960, are delayed because the person against whom allegations are made does not furnish necessary record or answer queries or charge-sheet within the specified time limit. It hampers the very object of making the inquiries which are killed by the process of time. It has, therefore, been decided that if a person deliberately delays answering queries of the Anti-Corruption Establishment or the furnishing of record, called for by them, or fails to furnish replies to the charge-sheet or other queries made under the West Pakistan Government Servants (Efficiency & Discipline) Rules, 1960, within the specified time limit, he shall be liable to be suspended from Government service.

2. On the other hand, the appointing authorities are requested to take care that this measure should only be adopted, when it is proved that the delay is deliberate and without any reason.

No.SORI(S&GAD)1-65/73(Vol.II)-A

Dated the 26th March 1977

Subject: NEED FOR PROPER ENFORCEMENT OF EXISTING PROVISIONS IN
LAW/RULES IN CASES OF OFFICERS UNDER SUSPENSION

It has come to the notice of Government that some officials placed under suspension indulge in acts of indiscipline but the competent authority does not take any effective action against them.

2. In this connection, attention of all concerned is invited to the following:

- (a) Under Rule 6(1), PCS (Efficiency and Discipline) Rules, 1975, initial suspension period of a civil servant is limited to three months. This indicates that suspension should be resorted to sparingly and where an official has been suspended, his case should be finalized within three months, as far as possible. If the spirit of these Rules is observed properly, the problems of suspended officers would be solved to a considerable extent.
- (b) An officer under suspension is required to be given reasonable opportunity to prepare his defence during investigation and trial subject to this condition, there is nothing to prevent competent authority from directing him to attend office or transferring him to a far off place.
- (c) A civil servant does not cease to be a civil servant merely because he has been suspended. Although, his powers, functions and privileges are in abeyance during the suspension period, he continues to be subject to the same discipline and penalties as if he had not been suspended. Therefore, if a suspended officer indulges in indiscipline or attempts to influence the course of investigation or trial in his favour by questionable methods, he can be hauled up under PCS (Efficiency and Discipline) Rules, 1975 by the competent authority and charge sheeted. In the alternative, in appropriate cases, the investigating agency can register a criminal case against him after observing prescribed procedure.

3. In view of the position explained above, all concerned are requested to make full and proper use of the existing provisions of law and rules while dealing with cases of indiscipline and misconduct on the part of officers under suspension.

NOTIFICATION
21st January 1982

No. FD-SRI-3-45/81. In exercise of the powers conferred on him under Section 23 of the Punjab Civil Servants Act, 1974, the Governor of the Punjab is pleased to direct that in the Civil Service Rules, Punjab, Volume I, Part I, the following further amendments shall be made:

AMENDMENT

For rule 7.5 and the Note thereunder, the following shall be substituted:

7.5. A Government servant committed to prison either for debts or on criminal charge should be considered as under suspension from the date of his arrest and should be allowed only those payments as are laid down in rule 7.2 until the decision of his case by the trial court, unless, however, on being released on bail during the course of trial, the authority concerned reinstates

him keeping in view the nature of offence or the grounds for his commitment to prison.

If the Government servant is acquitted or is finally released as a result of the decision of his case by the trial court, an adjustment of his pay and allowances should be made according to the circumstances of the case, the full amount being given only in the event of his being acquitted of the blame or, if imprisonment was for debt, of its being proved that the Government servant's liability arose from circumstances beyond his control. In other cases, the authority shall decide as to whether any penalty should follow as a result of the decision of the case and if so, he may be punished in accordance with the Rules applicable to him and the punishment should be ordered with retrospective effect from the date of trial court's order of conviction. If the authority decides not to impose any penalty the Government servant shall be deemed to be on extraordinary leave for the period he was unable to perform his functions as a result of his conviction by the trial court.

No.SORI(SGA&ID)1-90/87
Dated the 14th February 1988

Subject: TREATMENT OF PERIOD UNDER SUSPENSION

I am directed to say that the question whether acquittal of a civil servant facing criminal or civil proceedings before a court of law with benefit of doubt, should be considered to have been honourable acquittal for the purposes of re-instatement and grant of consequential benefits has been examined in consultation with the Law & Parliamentary Affairs and Finance Deptt. It has been decided that since a person acquitted by the Court by giving him benefit of doubt has no judicial remedy available to him to get such acquittal declared as honourable, all acquittals including those based on benefit of doubt should be treated as honourable for all purposes.

No.SORI(S&GAD)4-4/75
Dated the 19th July 1977

Subject: GRANT OF LPR TO GOVERNMENT SERVANTS COMPULSORILY
RETIRED FROM SERVICE UNDER THE PUNJAB CIVIL SERVANTS
(E&D) RULES, 1975

It has been decided that Government servants compulsorily retired from service as a measure of punishment under the PCS (E&D) Rules, 1975 should not be granted leave preparatory to retirement.

Subject: EXPEDITIOUS FINALIZATION OF DISCIPLINARY CASES

Attention is invited to the instructions issued on the subject as detailed at the bottom*.

2. In many cases, Government servants under suspension are reinstated after completion of enquiry. Consequently they have to be paid salary for which they did no work.

3. Suspension should be resorted to only when it is not possible to meet the situation otherwise or where it is likely to result in the imposition of a major penalty keeping in view the gravity of allegations.

4. The 'Authority' should make personal assessment of each case in which a Government servant has been suspended to ensure that suspension is allowed to continue beyond 3 months only where it is absolutely necessary. In this connection attention is invited to Rule 6(1) of the Punjab Civil Servants (Efficiency & Discipline) Rules, 1975.

5. As regard the case under investigation or trial, suspension need not be ordered indiscriminately in all cases where Government servants are challaned. The criterion should be the same as in the case of Departmental inquiry.

6. A Government servant may, however, be suspended for refusal to carry out an order if he does not cooperate during an inquiry against him and causes delay without any justifiable reasons.

7. To enable higher authorities to exercise proper check on disposal of cases under the Efficiency and Discipline Rules where orders have been passed by authority other than Government in Court, Police and Anti-Corruption cases involving suspension of Government servants should be reported to the Commissioners concerned who will take up the matter with authorities concerned to secure expeditious completion of investigation of cases. Similar progress report should also be furnished by the Anti-Corruption Department and the Enquiry Officers conducting the cases of suspended Government servants to the authorized officer.

8. I am directed to request that these instructions may be followed in letter and spirit.

* (1) No.SOXII(S& GAD)5-7/86 dated 24.08.1962 (2) No. SOIV(S& GAD)1-29/74 dated 13.10.1964 (3) No. SOIV(S& GAD)1-29/64 dated 09.02.1962 (4) No. SOIV(S& GAD)1-15/64 dated 24.05.1966 (5) No. SOIV(S& GAD)1-15/64 dated 05.11.1966 (6) No. SOIV(S& GAD)1-15/64 dated 20.01.1968 (7) No. SOR-I(S& GAD)1-74/72 dated 18.10.1972 (8) No. SOR-I(S& GAD)1-65/73-VOI-A dated 02.01.1976.

Subject: ARRANGEMENTS FOR MONITORING THE PROGRESS OF
DEPARTMENTAL ENQUIRIES UNDER THE EFFICIENCY AND
DISCIPLINE RULES

I am directed to refer to this Department's letter No. SORI(S&GAD) -1-15/64(Policy) dated 17th January 1970, 25th March 1970 and 24th June 1970 stressing expeditious finalization of departmental enquiries and calling upon all the appointing authorities to be vigilant in checking delays in these cases. The Government have observed that these instructions are not being followed. To meet the situation, amendments in the Punjab Civil Servants (Efficiency and Discipline) Rules 1975, to prescribe definite * time-limits for various functions assigned to the "Authority", "Authorized Officer" and "Inquiry Officer" are under consideration.

2. In order to ensure expeditious completion of disciplinary proceedings against Government servants, the Governor of the Punjab has been pleased to give the following directions besides other steps under consideration:

- (i) Each Administrative Department should prepare returns on the pro forma annexed hereto. Such returns should be placed before the Administrative Secretary and the Head of the Attached Department, every month and they should issue necessary directions in each case. They should ensure that such directions are complied with.
- (ii) Quarterly returns of departmental enquiries/cases pending for more than six months should be submitted to the Chief Secretary by the 10th of January, April, July and October.
- (iii) The "Authorized Officer" should enquire from the Enquiry Officer/ Enquiry Officers in the first week of every month about the progress of inquiries pending with them and ensure their expeditious finalization. It is only when the Authorized Officer takes interest that finalization of disciplinary case can be ensured.
- (iv) Rule 7(4) of the Punjab Civil Servants (Efficiency and Discipline) Rules, 1975, provides for hearing of the case on "day to day basis" and Rule 7(7) *ibid* provides for completion of the report within 10 days of the conclusion of the proceedings. Authorized Officer should particularly check whether the schedule has been observed.
- (v) Presently most of the enquiries are entrusted to the O.S.Ds (Enquiries) in the S&GAD. While cases of serious nature should continue to be sent to the O.S.Ds, all other enquiries should be entrusted to and conducted by departmental officers carefully selected.

* Amended vide Notification No.SORI(S&GAD)1-55/81 dated 01.04.1982.

3. The Governor has further been pleased to direct that in exceptional cases where there has been inordinate delay which cannot be explained, a mention should be made in the A.C.R. of the Inquiry Officer concerned. Where it is established that the "Authorized Officer" has not exercised adequate control and supervision, the "Authority" if it is also the Reporting Officer, may make a note in his A.C.R., otherwise the matter may be intimated to the Reporting Officer for reflecting this in the A.C.R. on the performance of "Authorized Officer". These are, however, extreme measures and should be taken with utmost caution.

**PROFORMA FOR WATCHING THE PROGRESS OF INQUIRY CASES UNDER
THE PUNJAB CIVIL SERVANTS (E&D) RULES, 1975**

Sr. No.	Name, designation & grade of accused civil servant	Date of approval by authority for initiation of disciplinary action	Date of appointment of authorized officer if none has already been designated as such under the delegation of powers rules	Date of appointment of enquiry officer/ enquiry committee	Date of service of charge-sheet and statement of allegation on the accused	Due date of submission of explanation of accused civil servants
1	2	3	4	5	6	7

Date of actual submiss- ion of reply by the accused	Date of supply of record relating to the inquiry by the authorized officer to the inquiry officer	Enquiry		Due date of submission of inquiry report	i) date of issue of show cause notice by the authorized officer. ii) Date of grant of personal hearing	Date of decision/ recomm- endations by authorized officer	Reasons for delay at any of the stages in column 3 to 14
		Due Date	Commencement				
8	9	10	11	12	13	14	15

Subject: ARRANGEMENTS FOR MONITORING THE PROGRESS OF
DEPARTMENTAL ENQUIRIES UNDER THE EFFICIENCY AND
DISCIPLINE RULES

I am directed to refer to this Department's circular letter of even number dated 30th November 1981, on the above subject and to state that Government have decided that the information indicated in the pro forma should be maintained by all authorized officers designated as such in the form of a pacca register as permanent record. This shall be subject to examination and inspection by the Inspecting Officers/Authorities.

NO. SOR-I (S&GAD)1-93/81

Dated the 7th August 1982

Subject: DELAY IN FINALIZATION OF DEPARTMENTAL AND
ANTI-CORRUPTION INQUIRIES, INDIFFERENCE TO COURT CASES
AGAINST GOVERNMENT

This is to bring to your notice some matters of very serious concern to Punjab Government. These pertain to handling of inquiries under the Efficiency and Discipline Rules, 1975 and judicial proceedings filed in Courts against or on behalf of Government.

2. In spite of provision of a time frame for departmental inquiries in the E&D Rules 1975 and repeated instructions about the manner of conducting such inquiries, no visible difference appears to have occurred in timely finalization of such proceedings. The inquiries still drag on for long periods causing prolonged mental agony and torture to the accused who may turn out to be innocent, or resulting in loss to Government and indiscipline among employees. Main reasons for erratic handling of departmental inquiries are:

- a) Delay in the appointment of "Authorized Officer" and the "Inquiry Officer".
- b) Delay in framing the charge-sheet and statement of allegations.
- c) Failure of the Inquiry Officer to hear the case on day-to-day basis.
- d) Failure to dispose off the objections raised by the accused on some procedural or technical points.
- e) Failure to show the relevant record to the accused, if he wishes to do so.
- f) The prosecution evidence on behalf of the Government is not placed properly and by an officer of suitable seniority before the Inquiry Officer.

3. The provisions of E&D Rules are clear in the matter of time limits for various stages of proceedings and for completion of inquiries and the procedure to

be observed for conducting these. A person not observing these time limits and procedures renders himself liable to action for violation of rules. In order to facilitate disposal of inquiries step-wise chronological detail of the procedure for the guidance of authorities under the E&D Rules, Model draft charge sheet, and notices to be issued under rule 6(3) and rule 8 of the E&D Rules, and draft orders of appointment of "authorized officer" and "inquiry officer" are enclosed as Annexure I to VIII. These model drafts and stage-wise details of the procedure will, it is hoped take care of technical flaws in the procedure pointed out above. Copies of this letter may, therefore, be supplied to all offices under your administrative control.

4. In order to check the chronic problem of delay in completion of inquiries this Department has at times been constrained to take over monitoring of progress of inquiries, although this should in fact be done by the administrative Departments. Through a circular of even number dated 30th November 1981 all concerned were last requested to furnish quarterly returns of departmental inquiries pending for more than six months by the 10th of every January, April, July and October. Progress of inquiries pending for less than that was required to be watched by the Secretaries and Heads of Attached Departments. The fact that return due on 10th July 1982 has been received only from a few quarters indicates that instructions have not been taken seriously. I would like to point out that since monitoring has been reintroduced under express orders of the Governor, any lapses in this regard will have to be brought to his notice. The Departments would be well advised to give serious attention to this work. Format of the register to be maintained for watching progress of inquiries has already been circulated with the letter referred to above.

5. Another matter of concern to Government is that litigation for or against Government Departments/Agencies generally suffers by default. Instead of taking interest in such Court cases as one would do in the case of his personal litigation, the concerned authorities tend to treat this work as of minor importance leaving it to be attended by junior officials. This indifference at supervisory level results in lack of proper interest at all levels down the line and for obvious reasons culminates, more often than not, in judgments against the Government. In order to arrest the adverse tendency it has been decided that in future the grounds of action in cases on behalf of Government shall invariably be signed by the head of department or office responsible for piloting the case of Government. He shall also maintain a register of all pending cases in which he is representing the Government. The register shall be maintained as indicated in the format at slip 'B'. The cases lost in the Courts shall be reviewed every year in December and a report submitted to the Chief Secretary through Law Department along with the views of the Head of Department/ Office concerned about lapses, if any, on the part of any Government functionary. The report shall be furnished to the Law Department by first week of January every year.

6. I would like to request you to make the above mentioned registers a compulsory item of inspection by all inspecting officers of your Department/Office who must record their remarks about proper handling or otherwise of these matters.

7. The receipt of this letter should please be acknowledged.

ANNEXURE-I

**PROCEDURE FOR DEPARTMENTAL PROCEEDINGS
UNDER EFFICIENCY AND DISCIPLINE RULES 1975 IN CASES WHERE
FORMAL INQUIRY IS ORDERED**

Step No. 1 Initiation of proceedings

In the following circumstances the authority shall direct the authorized officer to proceed against a civil servant in respect of whom it stands designated as authority:

- “Action by Authority”**
- a) On the basis of its own knowledge or information placed before it, the authority is of the opinion that there are sufficient grounds for proceeding against the civil servant.
 - b) The Anti-Corruption Committee No. 1 has decided to take departmental action against a civil servant.

Note: Normally “authority” and authorized officer should have been designated as such under the relevant Delegation of Powers Rules in respect of all posts under any Department/Office. Before taking any action the authority must ensure that it is properly designated and empowered to act as such. Besides taking the decision for initiation of action the authority should simultaneously direct the authorized officer to proceed against the accused. Where no authorized officer has already been designated the authority should immediately appoint an officer senior in rank to the accused to perform the functions of authorized Officer. Draft order of appointment of authorized officer is at Annexure-III.

Step No.2. Suspension of the accused or sending him on forced leave

“Action by Authority”

If the civil servant is accused of subversion, corruption or misconduct the authority may suspend him or allow the authorized officer to do so for an initial period of three months.

“Action by Authorized Officer”

If it is not considered necessary to suspend the accused the authorized officer may require the accused to proceed on leave.

Note: Continuation of suspension or extension of leave, if intended, must be approved by the authority after every three months. Except where the accused has been arrested and is confined to prison, suspension or forced leave, or extension thereof should be decided on the merits of each individual case.

Step No.3. Decision whether inquiry is necessary

**“Action by
Authorized
Officer”**

The authorized officer should decide within three days of the receipt of direction of the authority given under Step No.1, or such extended period as may be allowed by the authority on the written request of authorized officer, whether formal inquiry is necessary.

Step No.4. Action in cases where formal inquiry is considered necessary

**“Action by
Authorized
Officer”**

The authorized officer shall do the following things simultaneously:

- i) Appoint an Inquiry Officer or an Inquiry Committee consisting of two or more persons who or one of whom shall be of the rank senior to the accused. If there are more than one accused the Inquiry Officer or one of the members of the Inquiry Committee must be senior in rank to all the accused. A model draft order of appointment of inquiry officer-inquiry committee is at Annexure-IV.
- ii) Frame a charge sheet along with statement of allegations. A Model Draft Charge Sheet is at Annexure-V. Since statement of allegations differs from case to case no draft has been drawn up for that.
- iii) Communicate the charge sheet to the accused together with a statement of allegations explaining the charge and other relevant circumstances which are proposed to be taken into consideration. The communication shall require the accused to put in a written defence directly before the Inquiry Officer or the Inquiry Committee within a reasonable time not less than seven days or more than fourteen days from the date the charge-sheet has been communicated to the accused.
- iv) Forward such record or copies thereof and such other material as is necessary for the conduct of inquiry to the Inquiry Officer or the Inquiry Committee along with a list of prosecution witnesses, if any.
- v) Appoint an officer well conversant with the facts of the case to assist the Inquiry Officer/Inquiry Committee in conducting the inquiry.

Step No.5. Procedure to be observed by the Inquiry Officer or Inquiry Committee

In addition to the procedure outlines in rule 7 the Inquiry Officer or Inquiry Committee should take care of the following:

- i) The proceedings must be conducted on day-to-day basis and should be arranged as far as possible at or near the place of residence of defence witnesses.
- ii) In case the accused officer attempts to hamper the proceedings by delaying tactics the Inquiry Officer must have recourse to procedure prescribed in rule 7(4) and 7(5).
- iii) The Inquiry Officer or Inquiry Committee should complete the proceedings within a period of 60 days.

Step No.6. Action after receipt of the Inquiry Report

On receipt of the report of findings of Inquiry Officer/Inquiry Committee the "Authorized Officer" shall determine whether all or any of the charges stand proved.

Step No.7. Action where charges stand proved

If all or any of the charges stand proved the authorized officer has to decide whether the charge calls for imposition of:

- a) One or more of the minor penalties listed in rule 4(a), or
- b) One or more of the major penalties listed in rule 4(b).

Step No.8. Finalization of the proceedings by the Authorized Officer where one or more of the minor penalties is called for

“Action by Authorized Officer”

If the case calls for one or more of the minor penalties the authorized officer shall impose the same after giving the accused an opportunity of showing cause against that action.

If the case calls for a major penalty the authorized officer shall forward the case to the authority along with:

- i) Charge-Sheet
- ii) Statement of allegations
- iii) Findings of the inquiry officer/inquiry committee
- iv) His own recommendations

If it is proposed to drop the proceedings the authorized officer shall submit the case with all relevant record to the "authority" for orders.

Step No.9. Decision of Authority

On receipt of recommendations and record from the authorized officer the authority shall give the accused an opportunity of personal hearing and pass such orders as it may deem fit.

Note: Draft notice for personal hearing is at Annexure-VIII.

ANNEXURE-II

**PROCEDURE FOR DEPARTMENTAL PROCEEDINGS
UNDER EFFICIENCY AND DISCIPLINE RULES, 1975, IN CASES
WHERE FORMAL INQUIRY IS NOT ORDERED**

Step No.1. Initiation of proceedings

In the following circumstances the authority shall direct the authorized officer to proceed against a civil servant in respect of whom it stands designated as authority:-

**“Action by
Authority”**

- a) On the basis of its own knowledge or information placed before it, the authority is of the opinion that there are sufficient grounds for proceeding against the civil servant.
- b) The Anti-Corruption Committee No.1 has decided to take departmental action against a civil servant.

Note: Normally "authority" and "authorized officer" should have been designated as such under the Delegation of Powers Rules in respect of all posts under any Department/Office. Before taking any action the authority must ensure that it is properly designated and empowered to act as such. Besides taking the decision for initiation of action the authority should simultaneously direct the authorized officer to proceed against the accused. Where no authorized officer has already been designated the authority should immediately appoint an officer senior in rank to the accused to perform the functions of authorized officer. Draft order of appointment of authorized officer is at Annexure-III.

Step No. 2. Suspension of the accused for sending him on forced leave

**“Action by
Authority”**

If the civil servant is accused of subversion, corruption or misconduct the authority may suspend him or direct the authorized officer to do so, initially for a period of three months.

**“Action by
Authorized
Officer”**

If it is not considered necessary to suspend the accused, the authorized officer may require the accused to proceed on leave.

Note: Continuation of suspension or extension or leave, if intended, must be approved by the authority after every three months. Except where the accused has been arrested and is confined to prison,

suspension or forced leave, or extension thereof should be decided on the merits of each individual case.

Step No.3. Decision whether inquiry is necessary

**“Action by
Authorized
Officer”**

The authorized officer should decide within three days of the receipt of direction of the authority (see Step No. 1), or such extended period as may be allowed by the authority on the written request of authorized officer, whether formal inquiry is necessary.

Step No.4. Action in cases where formal inquiry is not considered necessary

**“Action by
Authorized
Officer”**

The authorized officer shall immediately inform the accused by order, in writing, of the action proposed to be taken against him and the grounds of that action and give him a reasonable opportunity of showing cause against that action. A model draft note is at Annexure-VI.

Note: Reasonable opportunity would mean such opportunity which enables the accused to present his defence adequately. This opportunity can, however, be refused where it is not expedient to extent it in the interest of security of Pakistan or any part thereof. Before conveying the refusal, approval of the "authority" must be obtained.

Step No.5. Action after receipt of reply of the accused

On receipt of explanation of the accused, the "authorized officer" shall determine whether or not the charge has been proved.

Step No.6. Determination of proof of charge and quantum of punishment called for

If the charge stands proved, the authorized officer has to decide whether the charge calls for imposition of:

- a) One or more of the minor penalties listed in rule 4 (a); or
- b) One or more of major penalties listed in rule 4 (b).

Step No.7. Imposition of penalty by the Authorized Officer

**“Action by
Authorized
Officer”**

If the case calls for a minor penalty the authorized officer shall impose it after giving the accused an opportunity of showing cause against that action.

If the case calls for a major penalty the authorized officer shall forward the case to the authority along with:

- i) Show Cause Notice
- ii) Written defence of the accused in reply to the show cause notice
- iii) His own recommendations

If it is proposed to drop the proceedings the authorized officer shall submit the case with all relevant record to the "authority" for orders.

Step No.8. Imposition of penalty by the Authority

On receipt of recommendation and record from the authorized officer the authority shall give the accused an opportunity of personal hearing and pass such orders as it may deem fit.

Note: Draft notice for personal hearing is at Annexure-VII.

ANNEXURE-III

MODEL DRAFT ORDER

(TO BE ISSUED BY THE AUTHORITY) APPOINTING THE AUTHORIZED OFFICER UNDER THE FIRST PROVISIO BELOW CLAUSE (c) OF THE SUB RULE (1) OF RULE 2 OF THE PUNJAB CIVIL SERVANTS (E&D) RULES 1975 (WHERE ONE IS NOT ALREADY SO AUTHORIZED OR DESIGNATED)

ORDER

Whereas in the opinion of the "Authority" _____
(state here the full designation)

_____, there are sufficient

grounds for proceeding against _____
(give here full name and designation of the accused
civil servant)

on the charge of in-efficiency/misconduct/corruption or reasonably being considered corrupt/subversive activities;
(score out which is not applicable)

And whereas in the case of the said accused civil servant no Authorized Officer has been so authorized or designated within the meanings of Rule 2(1)(c) read with Rule 2(3) of the Punjab Civil Servants (E&D) Rules, 1975.

Now, therefore, in exercise of the powers delegated to me under the first proviso below Rule 2 (1) (c) of the Punjab Civil Servants (E&D) Rules, 1975, I, as the Authority in respect of the said accused civil servant, hereby appoint _____ to act as the Authorized (give here full name & designation) officer under and in accordance with Rule 6 and 7-A of the Efficiency and Discipline Rules, 1975.

AUTHORITY

ANNEXURE-IV

MODEL DRAFT ORDER

(TO BE ISSUED BY THE AUTHORIZED OFFICER UNDER RULE 6 (5) OF THE PUNJAB CIVIL SERVANTS (EFFICIENCY & DISCIPLINE) RULES, 1975 APPOINTING AN ENQUIRY OFFICER OR ENQUIRY COMMITTEE CONSISTING OF TWO OR MORE PERSONS WHO OR ONE OF WHOM SHALL BE OF A RANK SENIOR TO THAT OF THE ACCUSED CIVIL SERVANT OR IF THERE ARE MORE THAN ONE ACCUSED CIVIL SERVANT SENIOR TO ALL THE ACCUSED

O R D E R

Where the Authority _____
(give here full designation)

has directed under Rule 5 of the Punjab Civil Servants (Efficiency & Discipline) Rules, 1975, the undersigned, as the Authorized officer, to proceed against

(give here full name and designation of the accused civil servant)

And whereas I, _____
(give here full name & designation)

as the Authorized Officer, on due consideration of the facts of the case, have decided under Rule 6 (2) of the Punjab Civil Servants (E&D) Rules, 1975 that an enquiry is necessary in the interest of justice.

* Substitute the following for the portion in parenthesis where an Enquiry Committee may have to be appointed. "The Enquiry Committee consisting of:

1. _____ (Convener)
 2. _____ (Member)
 3. _____ (Member)
- (give full name & designation of each)"

Now, therefore, I hereby appoint /* [_____
(give here full name and designation) as the Enquiry Officer] to enquire into the charges as set forth in the enclosed charge-sheet served on the accused civil servant on _____
(give here the date on which the charge sheet is served);

The accused civil servant has been directed to put in his written defence directly before the Enquiry Officer/ Enquiry Committee. The relevant record or copies thereof or such other material as is necessary for the conduct of the enquiry is enclosed herewith.

The Enquiry Officer/Enquiry Committee shall proceed under and in accordance with the provisions of Rule 7 of the Punjab Civil Servants (E&D) Rules, 1975 and submit to the undersigned a report of his/its findings within the period specified therein.

AUTHORIZED OFFICER

- Caution:
- i) The model charge-sheet is meant to be served in cases where the Authorized Officer considers an enquiry, through the Enquiry Officer or Enquiry Committee, necessary.
 - ii) The model charge sheet is designed to furnish essential guidelines only and it may be suitably amended, altered or added to keeping in view the circumstances of each case. The words, expressions or parts not applicable may be carefully deleted.
 - iii) Each case has to be examined in its own perspective with due care and proper application of mind. The model charge-sheet is not to be used mechanically. The underlying idea, in circulating it, is simply to provide general guidance.
 - iv) It needs hardly be added that these caution notes are not to form part of the contents of the charge-sheet meant to be actually served.

MODEL CHARGE SHEET

I, (name & full designation _____) hereby
of authorized officer) charge-sheet you Mr.
_____(full designation of the accused)
as under:

That while posted as _____
_____ you _____.

1) _____

II) _____

III) _____

2. By reason of the above you appear to be:

a) inefficient within the meaning of rule 3 (a) of the Punjab Civil Servants (Efficiency & Discipline) Rules, 1975 and/or.

b) guilty of misconduct within the meaning of rule 2(1) (d) and 3(b) of the Punjab Civil Servants (Efficiency & Discipline) Rules, 1975 and/or.

c) corrupt or can reasonably be considered corrupt within the meaning of rule 3(c) of the Punjab Civil Servants (Efficiency & Discipline) Rules, 1975, and/or

c) corrupt or can reasonably be considered corrupt within the meaning of rule 3(c) of the Punjab Civil Servants (Efficiency & Discipline) Rules, 1975, and/or

d) engaged or are reasonable suspected of being engaged in subversive activities, or are reasonably suspected of being associated with others engaged in subversive activities, or are guilty of disclosure of official secrets to unauthorized person(s), and your retention in service is, therefore, considered prejudicial to the national security within the meaning of rule 3(d) of the Punjab Civil Servants (E&D) Rules, 1975; and as such, are liable to disciplinary action under Rule 3 of the Punjab Civil Servants (E&D) Rules, 1975 which may include imposition of one or more of the penalties prescribed by rule 4 of the said rules

*The days allowed are to be not less than seven(7) and not more than fourteen (14) from the day the charge sheet is served.

3. You are hereby required to submit your written defence within * _____ days of the receipt of this charge sheet, as to why disciplinary action, as aforesaid may not be taken against you.
4. Your written defence should reach the Inquiry Officer/Inquiry Committee within the aforesaid period along with a list of defence witnesses you may wish to produce in support of your defence. In case of your failure to do so, it shall be presumed that either you have no defence to offer or you have declined to offer the same, and you accept the charges.
5. A statement of allegations in support of this charge-sheet is enclosed.
6. In case you may desire to consult any record on which the aforesaid charges are based or is relevant to the aforesaid charges, you may do so with prior arrangement with the Authorized Officer, within 7 days of the receipt of this Notice/Charge-sheet.

Dated _____

OFFICER
DESIGNATION _____
(AUTHORIZED OFFICER)

ANNEXURE-VI

MODEL SHOW CAUSE NOTICE

To

No. _____

Date: _____

Subject: SHOW CAUSE NOTICE

Whereas the undersigned, as Authorized Officer in your case, has been directed by the Authority to proceed against you under the Punjab Civil Servants (E&D) Rules, 1975 (on the following allegations:

- i)
- ii)
- iii)

as further detailed in the enclosed statement of allegations).

And whereas the undersigned has decided that it is not necessary to have an inquiry conducted in proof thereof and whereas it is proposed to proceed against you under sub-rule(3) of rule 6 of the Punjab Civil Servants (Efficiency & Discipline) Rules, 1975.

Now, therefore, you are hereby called upon to show cause in writing within _____ days of the receipt of this communication as to why one or more of the penalties as prescribed in rule 4 of the Punjab Civil Servants (Efficiency & Discipline) Rules, 1975, should not be imposed on you.

Your explanation (in duplicate) should reach the undersigned within the said period, failing which it shall be presumed that you have no defence to offer, and do not wish to be heard in person.

In case you may desire to consult any record on which the aforesaid charges are based or is relevant to the aforesaid charges, you may do so with prior arrangement with the undersigned within 7 days of the receipt of this Notice/Charge Sheet.

AUTHORIZED OFFICER

ANNEXURE-VII

MODEL DRAFT OF NOTICE OF PERSONAL HEARING
UNDER RULE 8 OF THE PUNJAB CIVIL SERVANTS
(EFFICIENCY AND DISCIPLINE) RULES, 1975

MEMO

To

(give here full name, designation
& address of the accused civil servant)

Subject: PERSONAL HEARING UNDER RULE 8 OF THE PUNJAB CIVIL
SERVANTS (EFFICIENCY & DISCIPLINE) RULES, 1975

On consideration of the report of the Enquiry officer/Enquiry Committee, the
Authorized officer _____ has determined that the following
changes (give here full designation) stand proved against you:

- 1) _____
 - 2) _____
 - 3) _____
- (give here the brief description of the charges proved).

A copy of the report of Enquiry Officer/Enquiry Committee is enclosed. It is proposed
to impose on you the penalty of

(state here the proposed penalty)

You are hereby offered the opportunity of personal hearing

(give here the name and full designation of the Authority if the
personal hearing is to be given by him or of the officer senior in rank
to the accused as may be designated for the purpose).

For this purpose, you are hereby advised, in your own interest, to appear
before the aforesaid officer on _____

(give here the date, time and place of personal hearing)
to offer your additional defence, if any, during the said
personal hearing.

ANNEXURE-VIII

**MODEL DRAFT OF NOTICE OF PERSONAL HEARING
UNDER RULE 8 OF THE PUNJAB CIVIL SERVANTS
(EFFICIENCY & DISCIPLINE) RULES, 1975**

MEMO

To

(give here full name & designation &
address of the accused civil servant)

Subject: PERSONAL HEARING UNDER RULE 8 OF THE PUNJAB CIVIL
SERVANTS (EFFICIENCY & DISCIPLINE) RULES, 1975

On consideration of the written defence offered in your letter dated _____,
to show cause against the action proposed to be taken in regard to you, as spelt out in
memo No. _____

(give here the time and place of personal hearing) to offer
your additional defence if any, during the said personal
hearing

before _____

(give here the name and full designation of the Authority, if personal hearing
is to be given by him or of the officer senior in rank to the accused
designated for the purpose).

For this purpose, you are hereby advised, in your own interest, to appear
before the aforesaid officer on _____

(give here the time and place of personal hearing) to
offer your additional defence if any, during the said
personal hearing.

CASES PENDING IN CIVIL/CRIMINAL COURTS
ON BEHALF OF THE GOVERNMENT

Sr. No.	Subject matter of the case	Date of Institution	Court in which pending	Interim injunction if any with date of injunction and the statement whether an appeal was filed for its vacation	The Counsel representing Government	List of dates of hearing up-to- date
1.	2.	3.	4.	5.	6.	7.

Subject: DELAY IN FINALIZATION OF DEPARTMENTAL AND
ANTI-CORRUPTION INQUIRIES, INDIFFERENCE TO COURT CASES
AGAINST GOVERNMENT

I am directed to refer to circular of even number dated 7th August, 1982 on the subject noted above and to enclose a new model charge sheet to be read instead of that previously attached to the above mentioned circular under Annexure-V.

MODEL CHARGE SHEET

To

WHEREAS I _____ (Name and full designation) as Authorized Officer in your case, have been directed by the Authority under rule 5 of Punjab Civil Servants (E&D) Rules, 1975 to proceed against you.

AND WHEREAS I consider that in the light of facts of the case and in the interest of justice, it is necessary to hold an inquiry and to appoint an inquiry officer/inquiry committee:

NOW THEREFORE you Mr. _____ (full designation)
_____ are hereby charged as under:

That while posted as _____ you

(I) _____

(II) _____

(III) _____

2. By reason of the above you appear to:

- (a) be inefficient or have ceased to be efficient within the meaning of rule 3(a) of the Punjab Civil Servants (Efficiency and Discipline) Rules, 1975 and/or
- (b) be guilty of misconduct within the meaning of rules 2(I)(d) and 3(b) of the Punjab Civil Servants (Efficiency and Discipline) Rules, 1975, for the said omissions/commissions on your part and/or
- (c) be corrupt or may reasonably be considered as corrupt within the meaning of rule 3(c) of the Punjab Civil Servants (Efficiency & Discipline) Rules, 1975, in as much as you or any of your dependents

or any other person through you or on your behalf are in possession of pecuniary resources or of property disproportionate to your known sources of income which you cannot reasonably account for or you have assumed a style of living beyond your ostensible means or you have a persistent reputation of being corrupt and/or

- (d) be engaged or are reasonably suspected of being engaged in subversive activities, or are reasonably suspected of being associated with others engaged in subversive activities, or/are guilty of disclosure of official secrets to unauthorized person(s), and your retention in service is prejudicial to the national security within the meaning of rule 3(d) of the Punjab Civil Servants (Efficiency and Discipline) Rules, 1975.

As detailed in the enclosed statement of allegations and as such you are liable to disciplinary action under Rule 3 of the Punjab Civil Servants (Efficiency and Discipline) Rules, 1975 which may involve imposition of one or more of the penalties prescribed by rule 4 of the said rules.

3. You are hereby required to submit your written defence to the above charges within *days of the receipt of this charge sheet, explaining as to why disciplinary action, as aforesaid, may not be taken against you, and stating at the same time, whether you also desire to be heard in person.

4. Please take notice that your written defence should reach the undersigned within the aforesaid period, failing which it shall be presumed that either you have no defence to offer or you have declined to offer the same and you accept the charges.

Enclosures
Statement of
allegation in
_____pages.
Dated _____

FULL NAME _____
DESIGNATION _____
(AUTHORIZED OFFICER)

No.SORI(S&GAD) 7-1/72
Dated the 23rd October 1973

Subject: WITHHOLDING/WITHDRAWAL OF PENSION OR ANY PART
OF IT FOR GRAVE MISCONDUCT DURING SERVICE

I am directed to refer to para, 3 of this Department's Letter of even number dated the 20th April, 1972 (as subsequently amended, - vide letter of even number dated the 9th August, 1972) on the subject and to say that the High Court's pronouncement in "Mr. Muhammad Saeed Khan vs. West Pakistan" reported as P.L.D. 1969 Peshawar - 147 has been set aside by the Supreme Court in their decision of the Government appeal entitled "the Government of N.W.F.P. vs. Mr. Muhammad Saeed Khan and another", - vide# P.L.D. 1973-SC514. Consequently, the instructions contained in the letters referred to above are hereby superseded.

*The days allowed are to be not less than seven (7) and not more than fourteen (14) from the day the charge-sheet is served.

Keeping in view the interpretation given by the Supreme Court, the provisions of rule 1.8 of the West Pakistan Civil Services Pension Rules, 1963 are explained below:

- (a) Each of the clauses (a) and (b) of this rule is a self contained and independent provision, designed to cater for two different situations. Under Clause (a), maintenance of "Good Conduct" is made an inseparable condition for the grant or continuance of pension to a Government servant and the Government reserves to itself the plenary power to withhold or withdraw a pension or any part thereof if the pensioner is convicted for serious crime or is found guilty of grave misconduct whether during or after completion of his service. However, clause (b) cannot be used to effect a penal recovery if there be a case of fraud or negligence during the service though it may be made a ground for a finding that the service has not been thoroughly satisfactory.
- (b) Clause (b) *ibid* empowers the Government to order recovery from the Pension, of the whole or part of any pecuniary loss, caused to the Government if the Pensioner is found in departmental or judicial proceedings to have been guilty of grave misconduct or negligence during his service. Under clause (b) the Government reserves to itself the right to recover from the pension the amount of any pecuniary loss which it has suffered while the Pensioner was in service. It is however, to be noted that this power cannot be resorted to after efflux of one year from the date of retirement of the Pensioner.
- (c) On general principles as also on the wording of rule 1.8 (a), the Executive has the exclusive power to determine whether on the facts of the case the officer concerned was guilty of gross misconduct and this applies equally to the serving officers as well to those who have retired but whose pensionary claims are yet to be settled.
- (d) Except as a result of the inquiry contemplated under clause (a), the Government has no power under the rules to suspend the payment of whole or any part of the pension of a Government servant otherwise admissible, pending inquiry against him. It follows that any order in that behalf in anticipation of the result of the inquiry will be without any valid basis.

No. SORI(SGA&ID)1-60/70
Dated the 11th April 1974

Subject: WITHHOLDING/WITHDRAWAL OF PENSION OR ANY PART
OF IT, FOR GRAVE MISCONDUCT DURING SERVICE

I am directed to refer to clause (a) of rule 1.8 of the West Pakistan Civil Services Pension Rules which reads as follows:

“Good conduct is an implied condition of every kind of pension. Government may withhold or withdraw a pension or any part of it if the pensioner be

convicted of serious crime or be found to have been guilty of grave misconduct, either during or after the completion of his service, provided that before any order to this effect is issued, the procedure regarding imposition of the penalty of removal from service shall be followed."

Government have decided that the provision of this rule should be strictly enforced in all cases and that where a pensioner commits "misconduct", the Pension sanctioning Authorities should take prompt action to withhold or withdraw his pension or any part of it.

2. "Misconduct" in such cases would mean conduct prejudicial to good behaviour or unbecoming of a gentleman. On any question whether any act on the part of the pensioner is misconduct or not, the decision of the Governor shall be final and binding. In this connection, the instructions contained in this Department's circular letter No.SORI(S&GAD) 7-1/72 dated the 23rd October 1973 may also kindly be kept in view.

No.SORI(S&GAD)1-54/77
Dated the 2nd February 1978

Subject: CONDUCTING OF ENQUIRIES AGAINST RETIRED GOVERNMENT
SERVANTS UNDER THE E&D RULES

Please refer to this Department's letter No.SORI(S&GAD)-7-1972 dated 23rd October 1973 and SORI(S&GAD)1-60/70 dated 11th April 1974.

2. In consultation with the Law Department it is further clarified that clause (a) of Rule 1.8 of the West Pakistan Civil Services Pension Rules is self contained and an independent provision designed to cover a different situation. In PLD1973, SC.514, in a case under Pakistan Civil Service (Pension) Rules, 1973, it was observed that it would be doing violence to the plain language of clause (b) of Rule 1.8 the so-called provision in it is also to be construed as a proviso to clause (a). It would thus appear that the time limit as incorporated in clause (b) does not exist in clause (a) wherein only maintenance of good conduct has been made an inseparable condition for the grant or continuance of pension to a Government servant and the Government reserves to itself power to withhold or withdraw a pension or any part thereof if the pensioner is convicted for serious crime or found guilty of grave misconduct whether during or after completion of his service. Accordingly if the circumstances of the case so warrant the A.D. can proceed with action under clause (a) of Rule 1.8 after observing the procedure provided therein notwithstanding the time lag after the retirement of the civil servant.

NO. SOR.III-2-37/89
Dated the 24th April 1989

Subject: REINSTATEMENT OF GOVERNMENT SERVANTS AFTER
UNAUTHORIZED ABSENCE FROM DUTY

I am directed to say that instances have come to the notice of Government that civil servants granted leave ex-Pakistan for short period on personal grounds like meeting their relatives, visiting holy places etc., do not return to duty on the

expiry of such leave. Disciplinary action against them resulting in removal from service has in some cases been reversed by the Appellate Authorities even very long after the limitation for appeal. Re-instatement in such cases on technical grounds obviously causes hardship to those who stay back in the country and also creates belated financial liability for the Government.

2. In a particular case, a Forest Ranger was allowed leave-ex-Pakistan in 1974, ostensibly to enable him to see his ailing relatives abroad and he was due to come back in 1976. Failing that he was removed from service on the charge of willful absence, but after a lapse of 9 years the Appellate Authority re-instated him in service in 1985 by treating the period of absence from duty from 1976 to 1985 as Extraordinary leave. Obviously such order was ab initio void as being ultra vires of the Revised Leave Rules 1981 issued vide Finance Department's Notification No. FD.1-85/78 dated 13.07.1981 according to which the maximum period of Extraordinary Leave without pay cannot exceed five years at a time. In the said case it has been decided that:

- i) The period of absence from duty 21.01.1976 to 18.11.1985 will constitute break in service and result in forfeiture of the past service for purposes of pension.
- ii) Reinstatement will be deemed as fresh appointment for all purposes.

3. I am accordingly directed to request that provisions of Revised Leave Rules, 1981 may please be strictly adhered to while dealing with the cases of civil servants who come after un-authorized absence from abroad

4. These instructions may kindly be brought to the notice of all concerned.

No.SORI(S&GAD) 16-15/90
Dated the 17th May 1990

Subject: REGULARIZATION OF THE PERIOD OF OVERSTAY/ABSENCE
ABROAD THE TREATMENT OF THE PERIOD OF ABSENCE FROM
DUTY

I am directed to say that instances have come to the notice of Government that civil servants granted deputation abroad or ex-Pakistan Leave for short period on personal grounds, do not return on the expiry of permissible period of deputation or leave. In disciplinary action under Punjab Civil Servants (Efficiency & Discipline) Rules, 1975 initiated against such officials they are let off with minor penalties by the authority with recommendations to the Government for treating the period of absence as extraordinary leave without pay in relaxation of the rules etc.

2. When a case of this nature was submitted to the Chief Minister, he has been pleased to decide as under:

- i) No officer, who remains on un-authorized absence, should be allowed to join duty until disciplinary proceedings have been completed against him. During the intervening period he/she shall be treated to be under suspension.

- ii) Authorities under the Punjab Civil Servants (E&D) Rules, 1975 should confine themselves to taking disciplinary action in accordance with the rules. They should avoid making recommendations as to how the period of un-authorized absence should be treated/ regularized. This question should be left to be decided separately by the competent authority under the rules.

3. Chief Minister has further observed that since grant of leave of any kind implies permission of the competent authority to stay away from the job it can be construed to take away the charge of unauthorized absence from duty and can imply exoneration of the accused. The period should be treated as unauthorized absence. However, in genuine cases of absence due to circumstances beyond the employee's control, if the officer is subsequently reinstated in service, the period of unauthorized absence will qualify for condonation of break in service without any financial benefits.

4. I am accordingly directed to request that the provisions of Punjab Civil Servants (E&D) Rules, 1975 and Revised Leave Rules, 1981 may please be strictly adhered to while dealing with cases of civil servants who come after unauthorized absence from abroad.

5. The instructions referred above may kindly be strictly adhered by all concerned.

NO. SOR.I-1-25/2001
Dated the 10th July 2003

Subject: DISCIPLINARY PROCEEDINGS AGAINST CIVIL SERVANTS ON
ACCOUNT OF UNAUTHORIZED ABSENCE FROM DUTY –
TREATMENT OF ABSENCE PERIOD

The instructions issued vide Regulations Wing of S&GAD's circular letter No. SOR-III-2-37/89 dated 24.04.1989 and letter No. SORI(S&GAD)16-15/90 dated 17.05.1990 have been re-examined in the light of decisions of the Punjab Service Tribunal and it has been found that the said instructions are inconsistent with the rules and are, therefore, withdrawn with immediate effect.

2. The problem of unauthorized absence from duty is rampant in Government departments and it has been observed that despite clear rules and instructions on the subject such cases are not dealt with appropriately in accordance with the rules by the relevant authorities. The Administrative Departments are, therefore, requested to follow the following instructions/guidelines while dealing with the cases of unauthorized absence from duty:

- i) Competent authorities must ensure that disciplinary action is initiated against a person who absents himself from duty un-authorizedly, immediately on receipt of information to this effect.
- ii) Where disciplinary action could not be initiated against such person due to negligence or other reasons, and such person

reports for duty after his un-authorized absence, he shall not be assigned any duty until disciplinary proceedings have been completed against him. During the intervening period he shall be treated to be under suspension.

- iii) The relevant authorities must ensure that disciplinary proceedings under the relevant Laws/Rules are initiated against such person, within 30 days of his reporting for duty after unauthorized absence.
- iv) Officers/officials responsible for delay in submitting the case for initiation of action against such person to the competent authority shall be deemed to be guilty of misconduct and therefore shall be liable to be proceeded under the relevant disciplinary law/rules, for the time being in force.
- v) The competent authorities shall ensure that disciplinary proceedings in such cases are completed at the earliest possible time so that such persons do not remain under suspension for long periods, thus becoming a burden on the public exchequer.
- vi) The Competent Authorities under the relevant disciplinary law/rules shall confine themselves to taking disciplinary action in accordance with the rules. They must not make recommendations as to how the period of unauthorized absence shall be treated, as the leave sanctioning authority under the Leave Rules and the competent authority under E&D Rules/Punjab Removal from Service (Special Powers) Ordinance, 2000, are usually not the same.
- vii) After the decision of authorities under E&D Rules/Punjab Removal from Service (Special Powers) Ordinance, 2000 etc., absence period may be dealt with separately, in accordance with the provisions of Revised Leave Rules, 1981.
- viii) Relaxation of Revised Leave Rules, 1981 may only be granted in extremely genuine hardship cases of absence beyond the control of the employee.
- ix) The period of absence from duty, if not regularized, constitutes break in service, as provided under Rule 2.11 of Pension Rules, 1967. This need not and should not be specified in any orders, as such orders lead to unnecessary litigation. This implication is automatic under Rules 2.11 of the Pension Rules.
- x) It has been observed that authorities generally tend to treat cases of absence from duty lightly and give minor punishments/penalties in cases where a person has remained absent from duty for long periods of time. It is clarified that absence from duty is a serious misconduct on the part of a person. The competent authorities must, therefore, ensure that penalties in such cases are commensurate with the gravity of the charge, proved against the accused persons.
- xi) The relevant authority must ensure that where a person remains on leave including absence for more than 5 years, the name of such person is removed from the seniority list and placed on separate static list as provided under proviso to Rule

8(3) of Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974 and also instructions bearing No. SOR-III(S&GAD)15-7/84 dated 14.07.1988.

3. This issues with the approval of the Chief Minister. All the Administrative Departments/Authorities are requested to ensure strict application and compliance of the above instructions.

NO.SORI(S&GAD)14-1/67
Dated the 24th March 1980

Subject: DISPOSAL OF ANONYMOUS/PSEUDONYMOUS
COMMUNICATIONS RECEIVED IN VARIOUS GOVERNMENTS
OFFICES FROM MEMBERS OF THE PUBLIC

I am directed to invite your kind attention to the subject cited above and the former West Pakistan Government Circular letter No. S(R) 12-16/58- SOXIII dated 16.02.1960 and subsequent circular letter No. SORI(S&GAD) -14-1/67(XIII) dated 04.04.1970 on the same subject and to state that the question of disposal of anonymous/pseudonymous communications received from various quarters regarding the conduct and personal life of the public functionaries, has been engaging the attention of the Provincial Government for quite some time.

2. It is a long and standing practice that anonymous/ pseudonymous communications should be destroyed without any action being taken on them. The position has been laid down in paragraph 84 of the Posts and Telegraph Manual Vol.II, which is reproduced below:

“Anonymous communications must invariably be destroyed by their recipients. No action of any kind is to be taken on them and no notice of any kind is to be taken on their contents. If a communication is found to be pseudonymous, it (and any previous notes, etc. connected with it) must similarly be destroyed. There is no exception to this rule”.

3. In view of the fact that the public servants feel extremely demoralized and insecure on account of direct or indirect action which is initiated on receipt of anonymous/pseudonymous complaints against them by the Competent Authority, the matter has been reconsidered and it has been decided with the approval of M.L.A./Governor that the practice of taking action on such complaints, should be stopped forthwith by all Competent Authorities, who receive such petitions. It has also been observed that even if certain Authorities decide not to take action on such complaints but allow such complaints to come on record or on the personal file of the officer concerned, at one time or the other the file of such complaints definitely create a negative impression on the successor officers.

4. I am, therefore, directed to state that the M.L.A/ Governor has been pleased to direct that in no case, any notice of such complaints, either anonymous/pseudonymous should be taken by any Competent Authority and without any examination or without any remarks, such complaints should be

destroyed straightway and no record of these complaints should be kept in any office.

5. I am further directed to state that these instructions are being issued to you for strict compliance in future.

NO.SORI(S&GAD)1-81/2002
Dated the 27th September 2002

Subject: DISPOSAL OF COMPLAINTS/ALLEGATIONS RECEIVED IN THE
GOVERNMENT DEPARTMENTS/OFFICES AGAINST PUBLIC
SERVANTS

I am directed to refer to the subject noted above and to state that it has been brought to the notice of this Department that in most of the complaint cases, the complaints/petitioners do not bother to join the enquiry proceedings or during the process of proceeding they come up with the statement that the complaint was lodged through misunderstanding and the same is withdrawn. Sometimes the complaints try to bribe the Government officials to achieve their nefarious designs and in case of failure they become complainants. Such undesirable activities create a very unhappy and embarrassing situation for the Government functionaries besides wastage of their time. This state of affairs warrants to take punitive action against such false complainants in the public interest as well as for the safety/protection of honest Government functionaries against baseless allegations.

2. In this connection, attention is invited to the instructions issued on the subject vide this department circular letter No. SORI(S&GAD) 14-1/67 dated 24.03.1980 and No. PA/AS(I&C) 127/80 dated 09.07.1980 which provide guidelines for disposal of such complaints. These instructions are reiterated below for information and strict compliance:

- a) Complaints received through anonymous or pseudonymous sources should be ignored;
- b) Antecedents and credentials of a complainant should be verified before an inquiry is instituted against the official concerned;
- c) No applications containing allegations should be entertained unless the complainant owns the contents of his application and it is accompanied by an affidavit that all the facts stated therein are true, and if his affidavit is proved false, legal action should be taken against him, and
- d) The newspapers publishing allegations, which are proved to be baseless, should be dealt with according to the law.

Subject: APPOINTMENT OF ENQUIRY OFFICER UNDER RULE 6(5) OF THE
PUNJAB CIVIL SERVANTS (E & D) RULES, 1975

I am directed to refer to the subject noted above and to say that under Rule 6(5) of the Punjab Civil Servants (E&D) Rules, 1975, the Authorized officer is empowered to appoint an Enquiry Officer or Enquiry Committee as the case may be. A question has arisen whether the Enquiry Officer can be appointed from outside the Department. Instances have come to the notice of this Department that Enquiry Officer is appointed by the Authorized Officer from outside the chain of his command. Besides being inadvisable such order is administratively impracticable because, if the Authorized officer does not have any administrative control over the officer proposed to be appointed as Enquiry Officer, nor has the latter's controlling authority been consulted for concurrence, he can rightly refuse to act as such. The argument that since the rules do not place any embargo against such arrangement, the Authorized Officer can appoint any person as Enquiry Officer is fallacious. Its acceptance would tantamount to investing the Authorized Officer with administrative control over all officers of the Punjab Government senior in rank to the accused.

2. Moreover, rationale of the general condition of rule 6(5) of the Punjab Civil Servants (E&D) Rules, 1975 that the Enquiry Officer should be senior in rank to the accused is that the former should be able to understand and appreciate the circumstances in which the accused committed the alleged irregularity and the nature of irregularity itself. It is clarified that except with the approval of Chief Minister or Chief Secretary, the Authorized Officer in a case under the Punjab Civil Servants (E&D) Rules, 1975 shall, if necessary, appoint as Enquiry officer a person who is under his own administrative control.

No.SOR.I (S&GAD)1-7/86

Dated the 6th June 1993

Subject: PUNJAB CIVIL SERVANTS (EFFICIENCY AND DISCIPLINE) RULES
1975 - INSTRUCTIONS THEREOF

I am directed to refer to the subject noted above and to state that according to Rule 6 (3) of Punjab Civil Servants (Efficiency and Discipline) Rules, 1975 where keeping in view the facts and circumstances of a case the "Authorized Officer" decides that it is not necessary to have a full fledged inquiry conducted, he may adopt summary procedure as envisaged in the rule ibid by informing the accused of the proposed action to be taken in regard to him and the grounds of the action. In such cases no formal charge sheet and statement of allegations is necessary but instead a show cause is served straightway on the accused. However, it has been observed that the show cause is vague and does not contain all the necessary details of the allegations which deprive the accused of reasonable opportunity to defend himself.

2. It has been decided that even in cases where the authorized officer does not have a formal enquiry conducted but to adopt a summary procedure under Rule 6 (3)

of the rules ibid he should ensure that show cause should contain all the necessary details of the allegations/charges.

3. These instructions may kindly be brought to the notice of all concerned for compliance.

No.SOR.I (S&GAD)1-7/86
Dated the 6th June 1993

Subject: PUNJAB CIVIL SERVANTS (EFFICIENCY & DISCIPLINE) RULES,
1975 - INSTRUCTIONS THEREOF

I am directed to refer to the subject noted above and to state that according to Rule 7(5) of Punjab Civil Servants (Efficiency and Discipline) Rules, 1975, if during pendency of enquiry proceedings the accused applies for leave on medical grounds the present provisions are not very clear as to who will refer his case to the Medical Board for further medical examination. It has now been decided that the Enquiry Officer/Chairman Enquiry Committee, as the case may be, shall refer such cases to Medical Board.

2. These instructions may kindly be brought to the notice of all concerned for compliance.

No.SOR.I (S&GAD)1-7/86
Dated the 6th June 1993

Subject: PUNJAB CIVIL SERVANTS (EFFICIENCY AND DISCIPLINE)
RULES, 1975 MEASURES FOR PREVENTING DELAY IN
DEPARTMENTAL INQUIRIES

I am directed to refer to the subject noted above and to state that in order to remove the causes of delay and bottlenecks impeding progress of disciplinary proceedings at different stages under Punjab Civil Servants (Efficiency and Discipline) Rules, 1975, it has been decided that:

- a) At the time of appointment of Enquiry Officer a departmental representative, well conversant with the case, should also be nominated by the Administrative Department.
- b) A list of witnesses who have to prove prosecution version be provided to the authority at the time of initiation of enquiry.
- c) Draft charge sheet and statement of allegations be prepared before the authority passes the orders for initiation of enquiry.

2. It is requested that these instructions may be followed in letter and spirit.

Subject: CONDUCTING OF SIMULTANEOUS INQUIRIES

I am directed to refer to the subject noted above and to state that the instructions issued vide this department's letter No. SOR.I (S& GAD)-1-3/90 dated 26.06.1990 are hereby withdrawn.

2. It is now clarified in consultation with the Law and Parliamentary Affairs Department that there is no bar for taking proceedings under the E&D Rules against Government servant who is also facing trial in the Court of Special Judge, Anti-Corruption. This is for the reason that the jurisdiction of the Inquiry Officer and that of the Anti-Corruption Judge is mutually exclusive and that result of the findings in the disciplinary proceedings and in the criminal case could be different.

No.SORI (S& GAD)1-9/98

Dated the 9th June 1998

Subject: PROCEDURE TO BE OBSERVED BY THE ENQUIRY
OFFICER/ENQUIRY COMMITTEE

I am directed to refer to Rule 7 of the Punjab Civil Servants (Efficiency & Discipline) Rules, 1975 which lays down the procedure to be observed by the Enquiry Officer/Enquiry Committee. Under this rules, where any witness is produced by one party, the "other party" is entitled to cross-examine that witness. A question has arisen as to who will be the "other party" to cross-examine the witness produced by the accused. Usually, this function is performed by the departmental representative who and whose role has, however, not been specifically defined in the rules/instructions except the instructions contained in this Department's letter No. SORI(S& GAD)1-3/90 dated 20.07.1991. These instructions too, do not elaborately defined the scope of functions which the said departmental representative is to perform during the disciplinary proceedings. Since, under the above mentioned provisions of the E&D Rules, right to cross-examine is provided to both the parties i.e. the prosecution and the defence, it has been observed that defence side invariably fully utilizes this opportunity, whereas the prosecution side, in the absence of a well defined role of the Departmental Representative shall be responsible for the following:

- i) He shall act "Prosecutor" on behalf of the Department.
- ii) On each and every date of hearing as may be fixed by the Inquiry Officer or the Inquiry Committee, as the case may be, he shall be personally present fully prepared and with all the relevant material on which the case of the prosecution is based.
- iii) He shall render all other possible assistance to the Inquiry Officer/Committee during disciplinary proceedings against the accused.
- iv) He shall cross-examine the witnesses produced by the accused and also the prosecution witnesses in the event of their turning hostile, if so permitted by the Enquiry Officer/Committee.

2. The above instructions may kindly be circulated to all concerned for guidance/information.

No.SORI (S&GAD)1-63/97
Dated the 24th September 1997

Subject: DELAY IN FINALIZATION OF DEPARTMENTAL ENQUIRIES
UNDER PCS (EFFICIENCY & DISCIPLINE) RULES, 1975

I am directed to say that the delay in finalization of departmental enquiries has remained a matter of concern for the Government. In view of the fact that any delay in completion of proceedings adversely affects the working of the offices or the departments to which the accused belongs. Government issued various instructions suggesting steps to minimize the delay. Results are, however, not encouraging.

2. The provisions of E&D Rules are clear in the matter of time limits for various stages of proceedings and for completion of enquiries and the procedure to be observed for conducting these. Any person not observing these time limits and procedure renders himself liable to action for violation of rules. In order to facilitate the disposal of enquiries, step-wise details of the procedure for the guidance of all concerned officers under the E&D Rules was circulated vide this department's letter No. SORI(S&GAD)1-93/81 dated 07.08.1982. Model draft charge sheets and notices to be issued were enclosed for facility of reference.

3. In a case recently submitted by a department seeking approval of the Chief Minister to initiate proceedings under the E&D Rules, sufficient material was not placed before the authority to determine whether or not a prima facie case was established against the accused. The authorized officer, as per Rule 6 of the E&D Rules, has to frame a charge sheet within a specified period and communicate it to the accused. If sufficient material is not supplied, on which the charges are based, the authorized officer will not be in a position to frame charge sheet against the accused with accuracy, resultantly the purpose of E&D proceedings is frustrated.

4. It is, therefore, once again emphasized that the acts of omissions and commissions on the part of the accused should be adequately brought out to facilitate the authority and authorized officer in the decision making and the framing of the charge sheets, etc. within the stipulated period.

No.SORIII/1-1/84 (Policy)
Dated the 27th December 1997

Subject: ARRANGEMENTS FOR MONITORING/REVIEWING DELAYED
ENQUIRY/DISCIPLINARY CASES UNDER (E&D) RULES, 1975

I am directed to refer to this Department's letter bearing No. O&M-VIII-1-1/84 (Policy) dated 30.03.1995 and to state that the Chief Minister has taken very serious view of the inordinate delays in the finalization of enquiry cases under E&D Rules, on the part of Authority, Authorized Officers/Enquiry Officers. He has desired to ensure that the enquiries against the Civil Servants, under E&D Rules, 1974 are finalized within the stipulated time.

2. The Chief Minister, Punjab has further been pleased to direct that:

- i) All the officers designated as Authority, Authorized Officer and Enquiry Officer may be impressed upon not to treat this aspect of their duty in a routine manner.
- ii) A large number of enquiry proceedings get delayed or fail to produce timely results because of procedural and technical lacunae left in them by the dealing officers. While an element of deliberate mischief cannot be ruled out at the lower level, there is also an urgent need to train senior officers working in various departments with the mandatory provisions of the E&D Rules and to make them fully responsible for ensuring that these provisions are strictly adhered to so that the procedural lapses do not subsequently become an excuse for delaying the enquiry proceedings.
- iii) All officers may also be required to submit a monthly statement of the enquiry proceedings pending with them to their immediate superiors who should hold a monthly monitoring session and expedite the proceedings.

3. It is, therefore, requested to kindly ensure that the above instructions are complied with in letter and spirit.

Govt. of the Punjab
Dated the 27th December 1997

NOTIFICATION

No. O&M-III/1-1/84 (Policy). The Chief Minister, Punjab, has been pleased to establish a Monitoring cell in the Services & General Administration Department to monitor the progress of the enquiries under E&D Rules against officers in BS-17 and above, comprising the following:

- | | | |
|----|---|----------------------|
| 1. | D.G. (O&M)/Secretary (Regulation),
Govt. of the Punjab S&GAD | Chairman |
| 2. | Addl. Secretary (O&M)
Govt. of the Punjab S&GAD | Member |
| 3. | Addl. Secretary (I&C),
Govt. of the Punjab, S&GAD | Member |
| 4. | Deputy Secretary (O&M-III)
Govt. of the Punjab, S&GAD | Member/
Secretary |

Govt. of the Punjab
Dated the 27th December 2001

NOTIFICATION

No. DS (M&E) 1-1-84. The Governor of the Punjab has been pleased to constitute District Monitoring Cells in the District Governments to monitor the progress of the

enquiries of the officers/officials of the departments working in the districts comprising the following:

- | | | |
|------|---------------------------------|----------|
| i) | District Coordination Officer | Chairman |
| ii) | Executive District Officer (CD) | Member |
| iii) | District Officer (Coordination) | Member |

No.SORI(S&GAD)1-32/98
Dated the 19th June 1998

Subject: PUNJAB CIVIL SERVANTS (E&D) RULES, 1975 – EXTENSION IN
THE SUSPENSION PERIOD

I am directed to state that instances have come to the notice of the Government in which orders for extending period of suspension of accused civil servants were not issued in time, due to which the accused involved in serious irregularities were reinstated merely on technical grounds. The Government has taken a serious view of this lapse on the part of the concerned officers.

2. It has, therefore, been decided that in future the Administrative Departments shall ensure that the necessary orders for extending the period of suspension, if required, shall be obtained from the competent authority before expiry of the suspension period and issued expeditiously.

3. You are, accordingly requested to please bring the above instructions to the notice of all concerned for strict compliance.

No.SORI(S&GAD)1-12/98
Dated the 10th March 1998

Subject: APPOINTMENT OF AUTHORIZED OFFICER AND ENQUIRY
OFFICER UNDER PUNJAB CIVIL SERVANTS (EFFICIENCY &
DISCIPLINE) RULES, 1975

I am directed to invite attention to the subject noted above and to state that under Punjab Civil Servants (Efficiency & Discipline) Rules, 1975, an “authorized officer” is appointed by the Government and where it has not been designated by the Government, it is designated by the Authority so designated by the Government for the purposes of E&D Rules. The “enquiry officer” is appointed by the “authorized officer”. The enquiry officer conducts enquiry proceedings and at times is required to seek guidance/instructions from the authorized officer. On completion of enquiry proceedings the report is submitted to authorized officer. Powers vest with authorized officer to award minor penalty/penalties or to recommend for major penalty to Authority. The authorized officer directs the enquiry officer to finalize the enquiry expeditiously if it is delayed. The spirit of the rules *ibid* implies that the authorized officer should be senior in rank to that of the enquiry officer.

2. Instances have come to notice where officers senior in ran/status are appointed as enquiry officers under the authorized officers who are junior in rank. Under the rules ibid, the rank is determined by substantive rank and status. The mere posting and pay scales, therefore, have no relevance to this effect.

3. Appointment of an officer of senior rank as enquiry officer under an authorized officer of junior rank, is, therefore, against the spirit of the rules ibid. Resultantly legal complications can arise. It is, therefore, required that while designating authorized officers and appointing enquiry officers, the importance of the rules ibid should be kept in view. Officers senior in rank should not be made to act as enquiry officers under the junior authorized officers, whatever the circumstances may be.

4. Services of the Members (Enquiries), S&GAD are only made available to the Administrative Secretaries on demand for appointment as enquiry officers under the above said rules, where the Secretaries themselves are authorized officers. Members (Enquiries) are normally equal in rank/status to Secretaries to Government of the Punjab. Therefore, they should not be made to act as enquiry officers under the authorized officers of lower ranks/positions.

5. These instructions may kindly be strictly followed in letter & spirit and brought to the notice of all concerned under your administrative control. This issue with the approval of the competent authority.

No.SORI(S&GAD)1-63/97

Dated the 20th March 1998

Subject: DELAY IN FINALIZATION OF DEPARTMENTAL ENQUIRIES
UNDER PUNJAB CIVIL SERVANTS (EFFICIENCY &
DISCIPLINE) RULES, 1975

I am directed to invite reference to this Department's instructions of even number dated 24th September, 1997 on the subject noted above, wherein it was pointed out, inter alia, that sufficient material is not placed before the Authority enabling him to determine whether or not a prima facie case is made out against the accused for initiating proceedings against him under the Punjab Civil Servants (E&D) Rules, 1975.

2. According to Rule 6 of the rules ibid, the Authorized Officer has to frame a charge sheet and communicate it to the accused. In many such cases which are sent to the Authority for permission to start E&D proceedings, on scrutiny, are found to be defective/inadequate. The Authorized Officer is also unable to frame charge sheet on the basis of such defective information.

3. In order to obviate this difficulty, it has been decided that the Department should first call for the explanation of the accused and if it is found un-satisfactory, then further proceedings under E&D Rules should be initiated.

4. You are, therefore, requested kindly to bring the contents of these instructions to the notice of all concerned for compliance.

Subject: DELAY IN FINALIZATION OF DEPARTMENTAL ENQUIRIES
UNDER PCS (E&D) RULES, 1975 – EXTENSION IN SUSPENSION
PERIOD

I am directed to invite attention to the provisions of rule 6(1) of the Punjab Civil Servants (E&D) Rules, 1975 whereby a civil servant is accused of subversion, corruption or misconduct may be placed under suspension by the authorized officer for a period of three months, with the approval of the authority. Rule 7-C(2) of the rules ibid prescribes a time frame of 90 days for the completion of E&D proceedings and if this time limit is adhered to, there is hardly any need to seek extension of the suspension period from the authority.

2. It has been noticed with concern that the time limits prescribed by the Punjab Civil Servants (E&D) Rules, 1975 for the finalization of the E&D proceedings are seldom kept in view. Even the mandatory provisions of seeking prior approval of the authority for extension of the suspension period is also taken lightly and then a request is placed with the authority for granting ex-post facto sanction to the extension of the suspension period. Superior Courts have repeatedly observed against grant of ex-post facto sanction of extension in suspension period. Administrative Departments have, number of times, been advised to devise an effective mechanism for monitoring pending disciplinary proceedings and ensuring process for interim orders, wherever required.

3. I am further directed to request that the suspension of an accused should be extended before the expiry of the three months term of suspension by the authority. For this purpose the Authorized Officer should move the authority well in time to extend the suspension period. If the Authorized Officer somehow fails to move the authority for the purpose, the Administrative Department should immediately remind the Authorized Officer to intimate the progress made in the departmental proceedings and also initiate a reference for extension of the suspension period of the accused Civil Servant well in time.

4. You are requested to kindly bring the above instructions to the notice of all concerned for strict compliance.

NOTIFICATION
Dated the 15th June 1999

No.SORI(S&GAD)1-60/99. The Chief Minister Punjab, is pleased to constitute the following Task Force for ensuring finalization of enquiries within the prescribed time limits:

- | | | |
|----|--|----------|
| 1. | Mr. Asif Ali Malik, MPA | Convener |
| 2. | Mr. Zahoor-ul-Haq Shaikh,
Secretary, Planning & Development
Board, Punjab. | Member |
| 3. | Secretary (Imp. & Coord.) | Member |

- | | |
|-----------------------------------|-----------|
| Government of the Punjab, S& GAD. | |
| 4. Secretary (Regulations), | Member/ |
| Government of the Punjab, S& GAD. | Secretary |

The role and responsibilities of the Task Force shall be as follows:

- i) Guiding, monitoring and judging the progress of enquiries.
- ii) Ensuring the finalization of enquiries within the stipulated time limits.
- iii) Accounting for the reasons of delay to be recorded in writing by the enquiry officers/enquiry committees and the authorities, as the case may be.
- iv) Counseling and guiding the relevant authorities and others concerned to facilitate the process at every stage.

2. For the accomplishment of its assignments, the Task Force may hold periodical review meetings at divisional headquarters depending upon the number of reported pending cases. The relevant authorities and enquiry officers/enquiry committees stationed at divisional headquarters related with the pending enquiries in the divisions shall fully cooperate with the Task Force. The monitoring Cell of the S&GAD (O&M Wing) shall act as secretariat of the Task Force.

No.SORI(S&GAD)1-61/98 (Pt.I)

Dated the 20th August 1999

Subject: EXPEDITIOUS DISPOSAL OF DISCIPLINARY CASES UNDER THE
PUNJAB CIVIL SERVANTS (E&D) RULES

In continuation of the instructions issued regarding the subject noted above from time to time, I am directed to say that the Chief Minister, Punjab has been pleased to establish a 4-tier system, as under, for monitoring the progress and ensuring finalization of disciplinary cases/enquiries under the E&D Rules within the given timeframe:

- i) Cases against the civil servants in BS-1 to 16 will be monitored by the Divisional Commissioners in accordance with the directions already given in para 2 of the S&GAD (O&M Wing) notification No. O&M-III/1-1/84 (Policy) dated 27th December 1997.
- ii) Cases of employees up to BS-17 of a department (except those belonging to the S&GAD) will be monitored by the Administrative Departments concerned Monitoring Cells in the departments under the Administrative Secretaries or at least the Additional Secretaries dealing with administration will be established.
- iii) Cases in BS-18 and above of all departments will be monitored by the Monitoring Cell already established in the S&GAD vide notification No. O&M-III/1-1/84(Policy) dated 27th December 1997.
- vi) A special Task Force has been constituted by the Chief Minister vide notification No.SORI(S&GAD)1-60/99, dated 15.06.1999 under the

chairmanship of Mr. Asif Ali Malik, MPA. The Task Force will monitor overall performance at all monitoring levels and will perform the role assigned to it under the notification referred to above, briefly stated as under:

- a) Guiding, monitoring and judging the progress of enquiries.
- b) Ensuring the finalization of enquiries within the stipulated time limits.
- c) Accounting for the reasons of delay to be recorded in writing by the enquiry officers/enquiry committees and the authorities, as the case may be.
- d) Counseling and guiding the relevant authorities and others concerned to facilitate the process at every stage.

For the accomplishment of its assignments, the Task Force may hold periodical review meetings at divisional headquarters depending upon the number of reported pending cases. The relevant authorities and enquiry officers/enquiry committees stationed at divisional headquarters related with the pending enquiries in the divisions (in respect of employees of all scales) shall fully cooperate with the Task Force. The Monitoring Cell of the S&GAD (O&M Wing) shall act as Secretariat of the Task Force.

2. The Punjab Civil Servants (Efficiency and Discipline) Rules, 1975 have been repealed and new rules of 1999 have been enforced w.e.f. 21.06.1999. The cases initiated under the old rules should be brought to their logical ends and finalized under the previous rules by the authorities, authorized officers/enquiry officers/Committees and other functionaries concerned. All the Administrative Departments are requested to ensure finalization of pending cases under the previous rules expeditiously.

3. In order to familiarize the authorities/enquiry officers/Committees and all other functionaries concerned with the new rules, a guidebook is being prepared and will be issued by the Regulation Wing, S&GAD and supplied to all Administrative Departments in the near future for further distribution.

4. The Monitoring Cell of the S&GAD and the Task Force will seek periodical reports from the Administrative Departments and others concerned in the enclosed proforma. It is, accordingly, requested that the requisite information till the period ending 31.07.1999 may kindly be furnished to the S&GAD in the enclosed proforma in respect of all the pending cases in all scales/ranks by the Administrative Departments within a fortnight positively. The process of monitoring by the Monitoring Cell and the Special Task Force will start in the month of September 1999.

**Subject: ENFORCEMENT OF PENALTY OF REDUCTION TO A LOWER POST
IN THE CASE OF DIRECTLY RECRUITED CIVIL SERVANTS**

I am directed to refer to the subject noted above and to state a question has arisen as to whether the penalty of 'reduction to a lower post' under E&D Rules could be imposed on a civil servant who has been appointed by initial recruitment to that post or not.

2. It is clarified, in consultation with the Law and P.A. Department, that the Punjab Civil Service Tribunal, in a case titled 'Malik Muhammad Shafi and 3 others Vs Government of the Punjab and others' reported in 1985 PLC (CS) 548 has held that a penalty of reduction to a lower post cannot be imposed on the accused civil servant who has been appointed to the post occupied by him at the time of imposition of penalty, by initial recruitment. Such a penalty could, however, be imposed on the accused civil servant who is holding a higher post by promotion.

3. I am further directed to request you that the contents of this letter may be brought to the notice of all concerned for compliance.

PROFORMA CALLING FOR INFORMATION IN RESPECT OF
ENQUIRY CASES UNDER E&D RULES

Sr. No.	Name, designation and rank of the accused civil servant	Date of Authority's direction for initiating of action and appointment of Authorized Officer	Date of appointm- ent of enquiry officer/ committee	Date of service of charge sheet on the accused	Date of submit- sion of enquiry report or disposal of case by the EO/ Enquiry Committee	Date of decision/ recommend- ation by authorized officer or disposal of case at his level.	Date of Authority's decision	Result of appeal etc.	Reasons for delay at various stages
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**A
GUIDEBOOK**

FOR

**DEPARTMENTAL INQUIRIES UNDER
THE PUNJAB CIVIL SERVANTS
(EFFICIENCY AND DISCIPLINE)
RULES, 1999**

Services and General Administration Department

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INTRODUCTION

Rules of 1975

The Punjab Civil Servants (Efficiency and Discipline) Rules, 1975 were framed under the Punjab Civil Servants Act, 1974 to regulate departmental action against civil servants of the Punjab for lapses/irregularities amounting to inefficiency and misconduct committed by them in the performance of their duties. The inordinate delay in finalization of the enquiries under those rules, however, remained a matter of concern for the Government. Every effort in the form of monitoring proved of little help to solve the chronic problem of delay in finalization of disciplinary proceedings.

The very title of the rules implicit sought to promote efficiency in the public service and to inculcate discipline in the state functionaries. The retarded pace of enquiries frustrates these objectives. It has been noticed that delay in the finalization of departmental inquiries generally occurred due to the following reasons:

- I. Inadequacy of the relevant information and material made available to “Authority” and delay in the appointment of “Authorized Officer” and the “Inquiry Officer”;
- II. Delay in framing the charge sheet and statement of allegations/list of witness and record to be produced;
- III. Failure of the Inquiry Officer to hear the case on day to day basis;
- IV. Failure to promptly dispose of the objections raised by the accused on procedural or technical points;
- V. Failure to show the relevant record to the accused, if he so desired;
- VI. Ignorance of the “Authorized Officers” and “Inquiry Officers” about the rules and regulations governing the departmental inquiries and other procedural matters and transgression of one into the domain of the other;
- VII. Failure of the “Authorized Officer” or the “Inquiry Officer” to ensure that all the rules and regulations are followed strictly in letter and spirit;
- VIII. Delay in furnishing of requisite advice from the S&GAD or the Law Department/Finance Department;
- IX. Improper production of the prosecution evidence before the Inquiry Officer on behalf of the Government by the departmental representatives;
- X. Non-maintenance of record of inquiries or probes in the departments to enable the Administrative Secretaries to supervise and monitor the proceedings of departmental inquiries;
- XI. Resultant effects of leaving the legal or procedural lacunae in the departmental enquiries necessitating de novo proceedings thereby prolonging enquiries for months and years on end.
- XII. Ultimate reversal of the effects of disciplinary actions through Court Orders on account of legal and procedural lapses in the conduct of departmental proceedings.

Rules of 1999

The Punjab Civil Servants (Efficiency and Discipline) Rules, 1999 have been framed to eliminate, as far as possible, chances of delay by removing bottlenecks. The usefulness of these rules will depend upon those who have to apply them after understanding the contents and procedures laid down thereunder. Procedural lapses causing miscarriage of justice to the accused lead to vitiation of proceedings resulting in not only unnecessary waste of time and effort, but also indiscipline and low morale amongst the personnel. This guidebook has been prepared with the objective to improve the understanding of rules and to facilitate task of the functionaries under these rules. Besides complete and up-to-date text of the Efficiency and Discipline Rule, 1999, it contains step-wise chronological detail of the procedure of departmental inquiry along with model drafts of charge sheet and essential notices or orders required to be issued at different stages. It must, however, be clearly borne in mind that model drafts cannot be used as “fill in the blanks” formats. These shall have to be suitably adapted to suit the requirements of each case. It must also be clearly understood that this guidebook is not a substitute for the substantive laws/rules which should invariably be studied at every stage of the proceedings. This guidebook is intended merely to be an aid to better understanding of the rules.

Natural Justice

It hardly needs to be pointed out that many administrative orders have been quashed by the superior courts on the sole ground that they violated the principle of natural justice, although the orders in any way, did not contravene any of the statutory provisions. The concept of natural justice has meant many things but now, with the judicial pronouncements by superior courts of various countries, the term “natural justice” has attained a definite meaning; most important of these are:

- a) Audi Alteram Partem i.e., no body can be condemned unheard.
- b) Nemo Judex in cause sua potest i.e., no one can be a judge in his own cause.
- c) Action should not be mala fide.
- d) The party must in good time know the precise case he has to meet.

The procedures prescribed for various stages of action under these rules aim at observing the principles of natural justice. These principles are deeply associated with the proceedings undertaken by the departmental authorities and should be taken care of while deciding cases under the PCS (E&D) Rules, 1999.

Salient features of Rules 1999

Salient features of the Punjab Civil Servants (Efficiency and Discipline) Rules, 1999 in comparison with the repealed rules are as under:

- a) The forum of “Authorized Officer” has been eliminated. His role has been bifurcated and assigned to the “authority” and “enquiry officer/enquiry committee”.
- b) The charge sheet will be issued by the “enquiry officer/enquiry committee”.

- c) The Enquiry Officer/Enquiry Committee has been vested with the power to impose minor penalty/penalties.
- d) The authority, if it so decides, will straightaway appoint enquiry officer/enquiry committee while ordering initiation of disciplinary proceedings.
- e) The statement of allegations has been dispensed with.
- f) The Anti-Corruption Establishment or the department/office at whose instance the proceedings under the Efficiency and Discipline Rules are to be initiated will be required to submit draft charge sheet, etc., to the authority while suggesting such initiation.
- g) Right of representation has been given to the accused against whom summary proceedings under Rule 6(3) of the Efficiency and Discipline Rules are ordered to be initiated.
- h) The enquiry officer/enquiry committee shall, within 10 days of conclusion of the proceedings, determine whether the charge has been proved. If it is proposed to impose a minor penalty, the enquiry officer or the enquiry committee, as the case may be, shall, after affording the accused an opportunity of showing cause against the action proposed to be taken against him, pass order accordingly and inform the authority of the action taken by it and send the whole record of the case. The authority, if dissatisfied with the quantum of the punishment awarded to the accused, may, within 30 days of the receipt of the case. Order initiation of de-novo enquiry or it may enhance the penalty after affording the accused a chance of being heard in person.
- i) If it is proposed to impose a major penalty, the enquiry officer or enquiry committee shall, after affording the accused an opportunity to offer explanation against its recommendations for imposition of major penalty, forward the case to the authority along with the charge sheet served on the accused, explanation of the accused, the findings of the inquiry officer or the inquiry committee as the case may be. The authority may order initiation of a de novo inquiry by passing a speaking order.
- j) The role of Departmental Representative has been introduced for the first time. The authority, while sending the record to the inquiry officer/inquiry committee, shall appoint a suitable officer to act as departmental representative to assist the enquiry officer/enquiry committee. The departmental representative shall be responsible for the following:-
- k) He shall assist the enquiry officer or the enquiry committee as the case may be on each day of hearing, as may be fixed by the enquiry officer or the enquiry committee.
- l) He shall render all other assistance to the enquiry officer/enquiry committee during the inquiry proceedings against the accused.
- m) He shall cross-examine the witnesses produced by the accused and also the prosecution witnesses in the event of their turning hostile.
- n) Departmental enquiry proceedings or action under Efficiency and Discipline Rules, 1975, if any, pending immediately before the commencement of the Efficiency and Discipline Rules, 1999, shall be finalized in accordance with the provisions of Punjab Civil Servants (Efficiency and Discipline) Rules, 1975.
- o) Similarly, functionaries under different delegations of Power Rules of respective departments shall continue to perform their function as such

as far as pending cases are concerned as provided in this department's notification No. SOR-IV(S&GAD)13-2/99 dated 27.05.1999.

Besides explanation of the procedure of departmental inquiries at **Annexure-I and II**, it appears necessary to elaborate some points, which generally arise in the minds of the functionaries handling departmental inquiries. These points, dealt with below under appropriate headings, are not exhaustive. Other points, if any, shall have to be taken care of in individual cases.

Applicability of Efficiency and Discipline Rules

The Punjab Civil Servants (Efficiency and Discipline) Rules 1999 apply to serving civil servants of Punjab Government whose terms and conditions of service are governed by the Punjab Civil Servants Act, 1974 and the rules framed thereunder. These do not apply to:

- i. Employees of Federal Government or other provincial Governments or Autonomous/Semi-Autonomous bodies on deputation to Punjab Government.
- ii. Persons employed on contract or on work-charge basis or paid from contingencies.
- iii. Persons who are “workers”, or “workmen”, as defined in the Factories Act, 1934 or the Workmen's Compensation Act, 1923.

Disciplinary action against such persons has to be taken in accordance with the laws/ rules applicable to them.

Authorities under the Efficiency and Discipline Rules

There are two functionaries under the Efficiency and Discipline Rules which occupy pivotal position in the process of departmental inquiries. These are–

- i) Authority.
- ii) Inquiry officer/Inquiry Committee.

Inquiry Officer is appointed by the Authority and he has to be senior in rank to the accused.

Similarly, in cases of appointment of an Inquiry Committee which is to consist of two or more persons, who or one of whom has to be of a rank senior to that of the accused. If there are more than one accused, the Inquiry Officer, or the convener of the Inquiry Committee should be senior to all the accused.

Initiation of action and timeframe for completion of inquiries

Action is treated to have been initiated on the date the authority decides to proceed against a civil servant under the rules. In the cases where formal inquiry is conducted through an inquiry officer or inquiry committee, the Authority has to ensure that the entire proceedings are completed within a period of 90 days from the date of issue of directions by him to the Enquiry Officer/Enquiry Committee to proceed against the accused.

In the cases where summary procedure under Rule 6(3) is adopted, the proceedings must be finalized by the authority within a period of 45 days from the date of service of show cause notice.

Charge sheet

- i) The process of enquiry starts from the charge sheet.
- ii) The charge sheet should be specific and should set out all necessary particulars. Since the “statement of allegations” provided for in the previous rules has been dispensed with, the charge sheet will, therefore, be required to provide all necessary charge-wise details.

Rules of procedure for the Inquiry Officer

- 1) No party to any proceedings is to be allowed to be represented by a lawyer.
- 2) Where any witness is produced by one party, the other party must be allowed to cross-examine that witness.
- 3) If the accused fails to submit his explanation within the period prescribed in the charge sheet the inquiry officer/inquiry committee shall proceed with the inquiry and hear the case on day-to-day basis.
- 4) No adjournment can be given except for reasons to be recorded in writing.
- 5) Every adjournment has to be reported to the authority and normally no adjournment shall be of more than a week.
- 6) If the inquiry officer/inquiry committee finds that the accused is hampering the proceedings it should administer a warning and if even that is disregarded, the inquiry should be completed in such manner as the inquiry officer/inquiry committee may think best in the interest of justice.
- 7) Absence from the inquiry on medical grounds. Unless medical leave is applied and is sanctioned on the recommendations of the Medical Board, absence from the enquiry proceedings shall be considered tantamount to hampering the progress of inquiry. The authority is, however, empowered to sanction medical leave up to 7 days without recommendations of the Medical Board.
- 8) In conducting an enquiry, the enquiry officer/committee exercises judicial or quasi-judicial functions. The enquiry officer/enquiry committee must act in a judicial spirit and manner in conformity to well recognized principles of natural justice without fear, favour or bias.
- 9) The enquiry officer/enquiry committee should not refuse to summon and examine the witnesses enlisted by the accused. All witnesses should be examined in the presence of the parties, enabling one party to cross-examine the witnesses of the other.

Task Force

In order to check delays in the completion of enquiries, Chief Minister has constituted a Task Force at the provincial level. Its constitution, role and responsibilities are contained at **Annexure-VIII** in this manual. All administrative

departments and their subordinate offices shall extend maximum cooperation to the Task Force in the accomplishment of its chartered functions.

Placed at the succeeding pages are:

- i) Punjab Civil Servants Efficiency and Discipline Rules, 1999 (**Annexure-I**).
- ii) Step-wise chronological detail of the procedure of departmental inquiries in the cases where formal inquiry has to be conducted (**Annexure-II**).
- iii) Step-wise chronological detail of the procedure of departmental inquiries in the cases where formal inquiry is not considered necessary (**Annexure-III**).
- iv) Draft order of appointment of Inquiry Officer or Inquiry Committee by the Authority (**Annexure-IV**).
- v) Draft Model charge sheet (**Annexure-V**).
- vi) Draft Show Cause Notice under Rule 6(3) of the rules (**Annexure-VI**).
- vii) Draft notice for personal hearing by the authority under Rule 10 (**Annexure-VII**).

**GOVERNMENT OF THE PUNJAB
SERVICES AND GENERAL ADMINISTRATION
DEPARTMENT**

NOTIFICATION

Dated Lahore, the 21st June, 1999

No. SORI(S&GAD)1-61/98 – In exercise of the powers conferred upon him by section 23 of the Punjab Civil Servants Act, 1974, the Governor of the Punjab is pleased to make the following rules, namely:

**THE PUNJAB CIVIL SERVANTS
(EFFICIENCY AND DISCIPLINE) RULES, 1999**

CHAPTER I – PRELIMINARY

1. **Short title, commencement and application** — (1) These Rules may be called The Punjab Civil Servants (Efficiency and Discipline) Rules, 1999.

(2) They shall come into force at once and apply to all civil servants except members of such services and holders of such posts, as may be specified by Government.

2. **Definitions** – (1) In these rules, unless the context otherwise requires–

- (a) "accused" means a civil servant against whom action is taken under these rules;
- (b) "authority" means the government or an officer or authority designated by it to exercise the powers of the authority under these rules;
- (c) "Enquiry Officer" means an officer appointed by the authority to perform the functions of an Enquiry Officer under these rules;
- (d) "Enquiry Committee" means a group of officers (headed by a convener) appointed by the authority to perform the functions of Enquiry Committee under these rules;
- (e) "misconduct" means conduct prejudicial to good order or service discipline or contrary to the Punjab Government Servants (Conduct) Rules, 1966 or conduct unbecoming of an officer and a gentleman and includes any act on the part of a civil servant to bring or attempt to bring political or other outside influence directly or indirectly to bear on the Governor, the Chief Minister, a Minister, or any government officer in respect of any matter relating to the

appointment, promotion, transfer, punishment, retirement or other conditions of service of a civil servant; and

- (f) "Penalty" means a penalty which may be imposed under these rules.

(2) In case two or more civil servants are to be proceeded against jointly, the authority for the civil servant senior-most in rank, shall be the authority in respect of all such accused.

(3) Subject to these rules, the various authorities empowered to award major penalties under the various Delegation of Powers Rules shall, in respect of the civil servants for whom they are authorities under the said rules exercise the powers of "the authority" under these rules.

(4) Words and expressions used but not defined shall bear the same meanings as they bear in the Punjab Civil Servants Act, 1974.

(5) Save in cases where the government is to act as "the authority" and notwithstanding anything to the contrary contained in rule 2, where 'the authority' would personally be interested in the result of the proceedings under these rules, it shall not proceed with the case and shall report the matter to the appellate authority to which the orders passed by 'the authority' are ordinarily appealable and such appellate authority shall appoint and authorize another officer of the corresponding rank and status to act as the 'authority'.

CHAPTER II – PENALTIES

3. **Grounds for penalty** – A civil servant, who, –
- (a) is inefficient or has ceased to be efficient; or
 - (b) is guilty of misconduct; or
 - (c) is corrupt, or may reasonably be considered corrupt because :
 - (i) he is, or any of his dependents or any other person through him or on his behalf, is in possession of pecuniary resources or of property disproportionate to his known sources of income, which he cannot reasonably account for; or
 - (ii) he has assumed a style of living beyond his ostensible means; or
 - (iii) he has a persistent reputation of being corrupt; or
 - (d) is engaged, or is reasonably suspected of being engaged in subversive activities, or is reasonably suspected of being associated with others engaged in subversive activities or is guilty of disclosure of official secrets to any un-authorized person, and his retention in service is, prejudicial to national security;

shall be liable to be proceeded against under these rules and one or more of the penalties hereinafter mentioned may be imposed on him.

4. **Penalties** – (1) The following are the penalties namely –

- (a) **Minor Penalties:**
 - (i) censure;
 - (ii) withholding, for a specific period, promotion or increment, otherwise than for unfitness for promotion or financial advancement in accordance with the rules or orders pertaining to the service or post;
- (b) **Major Penalties:**
 - (i) reduction to a lower post or pay-scale or to a lower stage in a pay-scale;
 - (ii) recovery of the whole or any part of any pecuniary loss caused to Government by negligence or breach of orders;
 - (iii) compulsory retirement;
 - (iv) removal from service; and
 - (v) dismissal from service.

(2) Removal from service does not, but dismissal from service does, disqualify for future employment.

(3) In this rule, removal or dismissal from service does not include the discharge of a civil servant –

- (a) Appointed on probation, during the period of probation, or in accordance with the probation or training rules applicable to him; or
- (b) appointed, otherwise than under a contract, to hold a temporary appointment, on the expiration of the period of appointment; or
- (c) engaged under a contract, in accordance with the terms of the contract.

CHAPTER III – INQUIRY AND IMPOSITION OF PENALTIES

5. **Initiation of proceedings** – (1) If, on the basis of its own knowledge or information placed before it, or where the Anti-Corruption Establishment has, under Rule 15 (1) (b) of the Punjab Anti-Corruption Establishment Rules, 1985, recommended departmental action the authority is of the opinion that there are sufficient grounds for action against the accused, it shall either proceed itself or direct the inquiry officer/inquiry committee to proceed against the said accused.

(2) In case the proceedings are to be initiated at the instance of a department/office or the Anti-Corruption Establishment, the draft charge sheet, list of witnesses, and other relevant material shall be sent to the authority before initiation of proceedings.

6. **Procedure to be observed by the authority** – (1) In a case where a civil servant is accused of subversion, corruption or misconduct, he may be placed under suspension by the authority or he may be required by the authority to proceed on leave; provided that the continuation of the suspension or grant of any extension in leave shall require the prior approval of the authority after every 3 months.

(2) The authority, in the light of the facts of the case, shall decide, whether in the interest of justice an inquiry is necessary.

(3) If the authority decides that it is not necessary to have an inquiry conducted against the accused, it shall:

- a) inform the accused forthwith by an order, in writing, of the action proposed to be taken in regard to him and the grounds of the action; and
- b) give him a reasonable opportunity of showing cause against that action within a period of 14 days from the date of receipt of order under clause (a);
- c) the accused may make a representation to the authority against the summary procedure adopted against him, within seven days of the receipt of the orders. In case the representation is preferred, the authority shall decide the same within seven days and communicate decision to the accused. In case of rejection of the representation, the accused shall be given seven days to show cause against the proposed action.

provided that no such opportunity as is referred to in clauses (b) & (c) shall be given where, in the interest of the security of Pakistan or any part thereof, it is not expedient to do so, the authority may proceed with the case but before denying the opportunity, the authority shall obtain prior approval of the Government, where the authority is not itself the Government.

(4) Within 7 days of the receipt of the explanation, if any, of the accused, the authority shall determine whether the charges have been proved. If it is proposed to impose any of the penalties mentioned in rule 4, the authority shall, after affording the accused an opportunity of personal hearing against the proposed action, pass orders accordingly.

(5) If under sub rule (2) or (3) (c) the authority considers that an inquiry is necessary it shall appoint an inquiry officer who or an inquiry committee whose convener shall be of a rank senior to that of the accused or if there are more than one accused senior to all the accused.

(6) Where an inquiry officer or an inquiry committee is appointed under sub rule 5, the authority shall communicate necessary record to the inquiry officer or the inquiry committee enabling the inquiry officer or the inquiry committee to frame a charge and communicate it to the accused along with the list of witnesses/documents, if any, to be taken into consideration and require the accused, within a reasonable time which shall not be less than 7 days or more than 14 days from the day, the charge has been communicated to him, to put in a written defence before the inquiry officer or the inquiry committee, as the case may be.

(7) The authority while sending the record appoint a suitable officer to act as a departmental representative to assist the inquiry officer. The departmental representative shall be responsible for the following:

- (i) He shall assist the Enquiry Officer or the Enquiry Committee as the case may be on each day of hearing, as may be fixed by the inquiry officer or the inquiry committee, as the case may be. He shall be personally present fully prepared, with all the relevant material on which the Charge Sheet is based.
- (ii) He shall render all other assistance to the inquiry officer/inquiry committee during the inquiry proceedings against the accused.
- (iii) He shall cross-examine the witnesses produced by the accused and also the prosecution witnesses in the event of their turning hostile, if so permitted by the inquiry officer/inquiry committee.

7. Procedure to be observed by the inquiry officer or inquiry committee – (1) On receipt of the explanation of the accused or on the expiry of the stipulated period if there is no defence reply from the accused, the inquiry officer or the inquiry committee, as the case may be, shall inquire into the charges and may examine such oral or documentary evidence in support of the charge or in defence of the accused as may be considered necessary and where any witness is produced by one party, the other party shall be entitled to cross-examine that witness.

(2) If the accused fails to furnish his explanation within the period specified, the Inquiry Officer or the Inquiry Committee, as the case may be, shall proceed with the inquiry.

(3) The Inquiry Officer or the Inquiry Committee, as the case may be, shall hear the case from day to day and no adjournment shall be given, except for reasons to be recorded in writing. However, every adjournment, with reasons therefore, shall be reported forthwith to the authority. Normally, no adjournment shall be for more than a week.

(4) Where the Inquiry Officer or the Inquiry Committee, as the case may be, is satisfied that the accused is hampering or attempting to hamper the progress of the Inquiry, he or it shall administer a warning and if, thereafter, he or it is satisfied that the accused is acting in disregard of the warning, he or it shall record a finding to that effect and proceed to complete the inquiry in such manner as he or it thinks best suited to do substantial justice.

(5) If the accused absents himself from the inquiry on medical grounds he shall be deemed to have hampered or attempted to hamper the progress of the inquiry, unless medical leave, applied for by him, is sanctioned on the recommendation of a Medical Board. Where, in view of the serious condition of the accused, it may not be possible for him to appear before the Medical Board, the Board shall examine him at his residence of which complete address must always be given in the leave application and at which he must be available:

Provided that the authority may, in its discretion, sanction medical leave up to seven days without the recommendation of the Medical Board.

(6) The Inquiry Officer or the Inquiry Committee, as the case may be, shall complete the inquiry proceedings within a period of sixty days, commencing from the last date of submission of the written defence by the accused or within such further period as may be allowed by the authority.

(7) (a) The Inquiry Officer/Inquiry Committee shall, within 10 days of the conclusion of the proceedings, in terms of sub rule 6, determine whether the charge has been proved. If it is proposed to impose a minor penalty, the inquiry officer or the inquiry committee, as the case may be, shall, after affording the accused an opportunity of showing cause against the action proposed to be taken against him, pass order accordingly and inform the authority of the action taken by it and send the whole record of the case. The authority, if dissatisfied, with the quantum of the punishment, awarded to the accused, may within 30 days of the receipt of the case, order initiation of de novo inquiry or it may enhance the penalty after affording the accused a chance of being heard in person. If no order is passed within the stipulated period, the minor penalty awarded by the inquiry officer/inquiry committee, as the case may be, shall attain finality.

(b) If it is proposed to impose a major penalty, the enquiry officer or the inquiry committee shall, after affording the accused an opportunity to offer explanation against its recommendations for imposition of major penalty, forward the case to the authority along with the charge sheet, served on the accused, explanation of the accused, the findings of the inquiry officer or inquiry committee, with its recommendations regarding the penalty to be imposed.

(c) In case it is proposed to drop the proceedings, the inquiry officer or the inquiry committee shall, submit the case to the authority. The authority may, within a period of 15 days, either accept the recommendations of the inquiry officer or the inquiry committee, as the case may be, or it may order initiation of a de novo inquiry by passing a speaking order.

*(d) In case of joint inquiry if the Enquiry Officer reaches the conclusion to impose minor penalty/penalties on one or more of the accused and recommends imposition of major penalty/penalties in respect of the other(s) accused or to drop the proceedings against any of the accused, he shall send the whole case to the authority for taking a final decision.

8. **Appearance of Counsel** – No party to any proceeding under these rules, before the authority, an inquiry officer, an inquiry committee or appellate authority shall be represented by a lawyer.

9. **Expeditious disposal of proceedings** – (1) In a case where the authority decides not to have an inquiry conducted against the accused, the proceedings must be finalized by him within a period of forty-five days.

(2) In a case where the authority has appointed an Inquiry Officer or Inquiry Committee, the Inquiry Officer/Inquiry Committee should ensure that the entire proceedings are completed within a period of ninety days from the date of receipt of direction under rule 5 and shall submit a report thereof to the authority.

(3) Where inquiry proceedings are not completed by the inquiry officer or the inquiry committee, as the case may be, within the prescribed period the Inquiry Officer or the Inquiry Committee, as the case may be, shall report the position of the inquiry to the authority intimating the reasons why the inquiry could not be completed within that period and the approximate further time that is likely to be taken in the completion of the inquiry.

(4) The authority on receipt of report under sub rules (2) and (3), shall pass such orders for expeditious finalization of the proceedings as it may deem fit.

10. **In the case of any proceedings the record of which has been reported** for orders under sub rule 7(b) of rule 7, the authority may pass such orders as it deems fit but before imposing a major penalty, the authority shall afford the accused an opportunity of being heard in person either before himself or before an officer senior in rank to the accused designated for the purpose, after taking into consideration the record of such personal hearing prepared by the officer so designated.

Provided that where the authority is satisfied that inquiry proceedings have not been conducted in accordance with these rules or facts and merits of the case have been ignored, it may order initiation of de novo

*Added vide Notification No.SORI(S&GAD)1-61/98 dated 15th September, 2000.

inquiry through a speaking order by giving the reasons thereof within a period of 14 days.

11. **Certain rules not to apply in certain cases** – (1) Where a civil servant is convicted of an offence involving moral turpitude which has led to a sentence of fine or imprisonment, he may, after being given a show cause notice, be dismissed, removed from service or reduced in rank without following the procedure laid down in rules 5, 6, 7 & 10.

(2) Where the authority is satisfied, that for reasons to be recorded in writing, it is not reasonably practicable to give the accused civil servant an opportunity of showing cause it may impose any of the penalties under these rules without following the procedure laid down in rules 5, 6, 7 & 10.

(3) Notwithstanding the other provisions of these rules where the government or authority is satisfied that one or more civil servants, individually or collectively, have taken part in agitational and subversive activities, resorted to strike, abandoned their official duty or incited others to do so, the government or the authority may after serving upon them a notice through a publication in a daily newspaper or in any other manner, asking them to resume duty, and on their failure or refusal to resume their duty impose upon the defaulting civil servant the penalty of dismissal or removal from service without following the procedure as laid down in rules 5, 6, 7 & 10.

12. **Procedure of inquiry against officers lent to other governments, etc.** – (1) Where the services of a civil servant to whom these rules apply are lent to any other government or to a local or other authority, in these rules referred to as the borrowing authority, the borrowing authority shall have the powers of authority for the purpose of placing him under suspension or requiring him to proceed on leave and of initiating proceedings against him under rules:

Provided that the borrowing authority shall forthwith inform the authority which has lent his services, hereinafter in these rules referred to as the lending authority, of the circumstances leading to the order of his suspension or the commencement of the proceedings, as the case may be.

Provided further that the borrowing authority shall obtain prior approval of the Government of the Punjab before taking any action under these rules against a civil servant holding a post in Basic Pay Scale 17 or above.

(2) If, in the light of the findings in the proceedings taken against a civil servant in terms of sub-rule (1) above, the borrowing authority is of the opinion that any penalty should be imposed on him, it shall transmit to the lending authority the record of the proceedings and there-upon the lending authority shall take action as prescribed in these rules.

(3) Notwithstanding anything to the contrary contained in sub-rule (1) and (2) government may, in respect of certain civil servants or categories

of civil servants, authorize the borrowing authority to exercise all the powers of authority under these rules.

13. Power to order Medical Examination as to mental or bodily infirmity – (1) Where it is proposed to proceed against a civil servant on the ground of inefficiency by reasons of infirmity of mind or body, the authority may, at any stage, whether or not an authority has been directed to proceed against him, require the civil servant to undergo a medical examination by a Medical Board or a Medical Superintendent as the authority may direct, and the report of the Board or the Medical Superintendent shall form part of the proceedings.

(2) If a civil servant refuses to undergo such an examination, his refusal may, subject to the consideration, of such grounds as he may give in support of it, be taken into consideration against him as showing that he had reason to believe that the result of the examination would prove unfavorable to him.

14. Powers of Inquiry Officer and Inquiry Committee – (1) For the purpose of an inquiry under these rules, the Inquiry Officer and the Inquiry Committee shall have the powers of a civil court trying a suit under the Code of Civil Procedure, 1908 (Act V of 1908), in respect of the following matters, namely:

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents;
- (c) receiving evidence on affidavits; and
- (d) issuing commissions for the examination of witnesses or documents.

(2) The proceedings under these rules shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Pakistan Penal Code (*Act XLV of 1860*).

CHAPTER IV – APPEALS, REVISIONS, ETC.

15. **Appeal against Penalty** – Any civil servant on whom a penalty has been imposed under these rules, except where the penalty has been imposed by the government, may within 30 days from the date of the communication of the order, appeal to such authority as may be prescribed:

Provided that if the appellate authority is satisfied that there is sufficient ground for extending the time it may entertain the appeal at any time.

16. **Petition of appeal** – Every appeal preferred under these rules shall be made in the form of a petition, in writing, and shall set forth concisely the grounds of objection to the order appealed from, and shall not contain disrespectful or improper language and shall be filed with the authority or the inquiry officer who, as the case may be, passed the original orders. The authority or the inquiry officer, receiving the appeal, shall forward the same along with the comments within a fortnight, to the appellate authority.

17. **Determination of appeal** – (1) The appellate authority shall cause notice to be given to the appellant and the authority or the inquiry officer imposing penalty, of the time and place at which such appeal will be heard. The appellate authority shall send for the record of the case, if such record is not already with it. After perusing such record and hearing the appellant, if he appears, and the representative of the punishing authority, if he appears, the appellate authority may, if it considers that there is no sufficient ground for interfering, dismiss the appeal or may–

- (a) reverse the finding and acquit the accused; or
- (b) order and direct that further or fresh inquiry be made; or
- (c) alter the finding maintaining the penalty or with or without altering the finding, reduce the penalty; or
- (d) subject to the provisions of sub-rule (2), enhance the penalty.

Provided that where the Governor or the Chief Minister is the appellate authority, he may, in his discretion, designate any officer, except the one against whose orders the appeal has been preferred, for the purpose of affording the appellant an opportunity of being heard in person and submit the case to the Governor or Chief Minister for final determination of the appeal.

(2) Where the appellate authority proposes to enhance the penalty, it shall–

- (i) by order, in writing, inform the accused of the action proposed to be taken and the grounds of the action; and
- (ii) give him a reasonable opportunity to show cause against that action.

(3) In dealing with an appeal, the appellate authority, if it thinks additional evidence to be necessary, may either take such evidence itself or direct it to be taken by the authority and when such evidence has been taken the appellate authority shall thereupon proceed to dispose of the appeal.

18. Review and not appeal in certain cases – (1) Where the original order has been passed by the government, no appeal shall lie, and instead, a review petition shall lie to the government and the government may, in its discretion, exercise any of the powers conferred on the appellate authority:

Provided that it shall not be necessary for the government to afford the accused an opportunity to be heard in person except where the government proposes to increase the penalty, in which case he shall, by order in writing, inform the accused of the action proposed to be taken and the grounds of the action and give him a reasonable opportunity to show cause against that action.

♦(2) Where the original order imposing penalty upon a member of the subordinate judiciary, who is or has been working under the administrative control of the Lahore High Court, Lahore, has been passed by the High Court, no appeal shall lie and instead a review petition shall lie to the High Court.

19. No second appeal except in certain cases – (1) No appeal shall lie against any order made by the appellate authority except in case the appellate authority enhances the penalty.

(2) In every case, in which the appellate authority enhances the penalty imposed by the authority or the inquiry officer, the accused may, within 30 days of the communication of the orders, appeal to the authority next higher thereto :

Provided, that if the second appellate authority is satisfied that there is sufficient ground for extending the time, it may entertain the appeal at any time.

(3) The appeal shall be filed in the manner indicated in rule 16 and the second appellate authority shall determine the appeal in the manner provided for the first appellate authority and may exercise any of the powers conferred on the first appellate authority.

20. Revision – (1) The government may call for and examine the record of any proceeding before any authority for the purpose of satisfying as to the correctness, legality or propriety of any finding, penalty or order recorded or passed and as to the regularity of any proceeding of such authority.

(2) On examining any record under this rule, the government may direct the authority to make further inquiry into the charges of which the

♦Added vide Notification No.SORI(S&GAD)1-61/98 (PT-I) dated 15th August, 2002.

accused has been acquitted and discharged, and may, in its discretion, exercise any of the powers conferred on an appellate authority:

Provided any order under this rule made prejudicial to the accused shall not be passed unless he has been given an opportunity to show cause against the proposed action:

Provided further that an order imposing punishment or exonerating the accused shall not be revised suo moto or otherwise after the lapse of a period of one year from the date of its communication to the accused except in case where appeal is preferred against the punishment.

(3) No proceeding by way of revision shall be entertained at the instance of the accused who has a right of appeal under these rules and has not brought the appeal.

CHAPTER V – REPEAL

21. **Repeal** – (1) The Punjab Civil Servants (Efficiency and Discipline) Rules, 1975, in their application to the civil servants to whom these rules apply, are hereby repealed.

(2) Notwithstanding the repeal of the Punjab Civil Servants (Efficiency and Discipline) Rules, 1975, hereinafter referred to in this sub-rule as the said rules-

- (a) Subject to the provisions of Chapter IV of these rules, any departmental inquiry or proceedings pending immediately before the coming into force of these rules, shall be completed and orders passed thereon as if the said rules had not been repealed; and
- (b) any notification or instructions issued thereunder so far as they are not inconsistent with these rules, shall be deemed to have been issued under these rules.

(3) Any person or authority, or the successor of the same, authorized to exercise powers by virtue of a delegation made by the government from time to time subsisting immediately before the commencement of these rules, shall, to the extent of the powers delegated and so far as is not inconsistent with these rules, be deemed to be an authority designated under these rules.

Annexure II

**PROCEDURE FOR DEPARTMENTAL PROCEEDINGS UNDER
EFFICIENCY AND DISCIPLINE RULES, 1999 IN CASES WHERE FORMAL
ENQUIRY IS ORDERED**

Step No. 1: Initiation of proceedings. (Order by the Authority)

The authority shall proceed itself or direct the enquiry officer/enquiry committee, as the case may be, to proceed against a civil servant in respect of whom it stands designated as authority:

- a) If, on the basis of its own knowledge or information placed before it, the authority is of the opinion that there are sufficient grounds for proceeding against the civil servant.
- b) If the Anti-Corruption Establishment has decided to take departmental action against a civil servant and the authority is of the opinion that there are sufficient grounds for action against the accused, it shall proceed itself or direct the enquiry officer or enquiry committee to proceed against the said accused. The authority, irrespective of the decision of Anti-Corruption Establishment, should apply its own mind.

Note: Normally “authority” should have been designated as such under the relevant delegation of powers rules or by special order of the Government in respect of all posts under any department/office. Before taking any action the authority must ensure that it is properly designated and empowered to act as such.

Step No. 2: Suspension of the accused or sending him on forced leave.

If the civil servant is accused of subversion, corruption or misconduct, the authority may suspend him or allow him to proceed on leave for an initial period of three months.

Note: Continuation of suspension or extension of leave, if intended, must be approved by the authority before expiry of every three months except where the accused has been arrested and is confined to prison. Suspension or forced leave, or extension thereof should be decided on the merits of each individual case.

Step No. 3: The authority, in the light of the facts of the case, shall decide whether in the interest of justice an inquiry is necessary.

Step No. 4: Action in cases where formal enquiry is considered necessary.

The authority shall:

- a) Appoint an Enquiry Officer who or Enquiry Committee whose convener shall be of a rank senior to that of the accused or if there are more than one accused senior to all the accused.

- b) Communicate necessary record to the Enquiry Officer or Enquiry Committee, and simultaneously appoint a suitable officer to act as a departmental representative to assist the enquiry officer/enquiry committee.

Step No. 5: Procedure to be observed by Enquiry Officer or Enquiry Committee.

In addition to the procedure outlined in Rule 7, the Enquiry Officer or Enquiry Committee should take care of the following:

- (a) The proceedings must be conducted on day to day basis and should be arranged as far as possible at or near the place of residence of defence witnesses.
- (b) In case the accused officer attempts to hamper the proceedings by delaying tactics the Inquiry Officer must take recourse to procedure prescribed in Rule 7(4) and 7 (5).
- (c) The Inquiry Officer or Inquiry Committee shall complete the proceedings within a period of 60 days, from the date of receipt of direction from the authority.

Step No. 6: Action after conclusion of enquiry proceedings.

The Enquiry Officer/Enquiry Committee shall within 10 days of the conclusion of the proceedings, determine whether charge has been proved.

Step No. 7: Action where charge stands proved.

If all or any of the charges stand proved the Enquiry Officer/Enquiry Committee, as the case may be, shall, if it is proposed to impose a minor penalty, pass order accordingly after affording the accused an opportunity of showing cause against the action proposed to be taken against him and inform the authority of the action taken by it and send the whole record of the case to him. If it is proposed to impose a major penalty, the Enquiry Officer or the Enquiry Committee shall, after affording the accused to offer his explanation against its recommendations for imposition of major penalty, forward the case along with the charge sheet, served on the accused, explanation of the accused, findings of the Enquiry Officer or the Enquiry Committee with its recommendations regarding the penalty to be imposed.

Step No. 8: Action where charge is not proved.

In case it is proposed to drop the proceedings, the Enquiry Officer or the Enquiry Committee, shall submit the case to the authority.

Step No. 9: Finalization of enquiry proceedings by the authority.

- a) Where minor penalty has been awarded.

The authority, if dissatisfied with the quantum of punishment awarded to the accused by the Enquiry Officer/Enquiry Committee in terms of rules 7 (7) (a), it may within 30 days of the receipt of the case, order initiation of de novo enquiry or it may enhance the penalty after affording the accused a chance of being heard in person.

Note: If no order is passed by the authority within the stipulated period, the minor penalty awarded by the Enquiry Officer/Enquiry Committee shall attain finality.

b) Where major penalty is involved.

On receipt of the recommendations for award of major penalty from the Enquiry Officer/Enquiry Committee the authority shall give the accused an opportunity of personal hearing against the proposed action either before itself or an officer senior in rank to the accused and pass such orders as it may deem fit regarding the imposition of major penalty.

**PROCEDURE FOR DEPARTMENTAL PROCEEDING UNDER
EFFICIENCY AND DISCIPLINE RULES, 1999 IN CASES WHERE FORMAL
ENQUIRY IS NOT ORDERED**

Step No. 1: Initiation of proceedings.

The authority shall order initiation of proceedings:

- a) If on the basis of its own knowledge or information placed before it, the authority is of the opinion that there are sufficient grounds for proceeding against the civil servant;
- or
- b) Where the Anti-Corruption Establishment has decided to take departmental action against a civil servant; and the authority is of the opinion that there are sufficient grounds for proceeding against the civil servant, it shall order initiation of proceedings under the E&D Rules, 1999.

Note: Normally “authority” should have been designated as such under the relevant delegation of powers rules or special order of the Government in respect of all posts under any department/office. Before taking any action the authority must ensure that it is properly designated and empowered to act as such.

Step No. 2: Suspension of the accused or sending him on forced leave.

If the civil servant is accused of subversion, corruption or misconduct, the authority may suspend him or allow him to proceed on leave for an initial period of three months.

Note: Continuation of suspension or extension of leave, if intended, must be approved by the authority before expiry of three months except where the accused has been arrested and is confined to prison, suspension or forced leave, or extension thereof should be decided on the merits of each individual case.

Step No. 3: Decision whether enquiry is necessary.

The authority, in the light of the facts of the case, shall decide whether in the interest of justice an inquiry is necessary.

Step No. 4: Action in cases where formal enquiry is not considered necessary.

The authority shall:

- a) inform the accused forthwith by an order, in writing, of the action proposed to be taken in regard to him and the grounds of the action; and

- b) give him a reasonable opportunity of showing cause against that action within a period of 14 days from the date of receipt of order under clause (a) ;
- c) The accused may make a representation to the authority against summary procedure adopted against him, within seven days of the receipt of the orders. In case the representation is preferred, the authority shall decide the same within seven days and communicate decision to the accused. In case of rejection of the representation, the accused shall be given seven days to show cause against the proposed action.

Provided that no such opportunity as is referred to in clause (b) and (c), shall be given where, in the interest of the security of Pakistan or any part thereof, it is not expedient to do so, the authority may proceed with the case but before denying the opportunity, the authority shall obtain prior approval of the Government, where the authority is not itself the Government.

Step No. 5: Action after receipt of reply of accused.

Within 7 days of the receipt of the explanation, if any, of the accused, the authority shall determine whether the charge stand proved. If it is proposed to impose any of the penalties mentioned in Rule 4, the authority shall, after affording the accused an opportunity of personal hearing against the proposed action, pass order accordingly.

MODEL DRAFT ORDER (TO BE ISSUED BY THE AUTHORITY)
APPOINTING THE ENQUIRY OFFICER

ORDER

Whereas the undersigned having been designated as Authority in terms of rule 2 (1) (b) of the Punjab Civil Servants (Efficiency and Discipline) Rules, 1999, is of the opinion that there are sufficient grounds to proceed against _____

(full name and designation of the accused)

on the charges of misconduct, inefficiency and corruption, I hereby order initiation of action under the Punjab Civil Servants (Efficiency and Discipline) Rules, 1999 against the accused.

Whereas on due consideration of the facts of the case, I have decided that an enquiry is necessary in the interest of justice.

Now, therefore, I hereby appoint _____ as enquiry officer/enquiry committee consisting of:

1. _____ (Convener)
2. _____ (Member)
3. _____ (Member)

to proceed against the said civil servant in terms of sub rule 5 of rule 6 of the Punjab Civil Servants (Efficiency and Discipline) Rules, 1999 read with rule 7 of the rule *ibid*. I also appoint Mr. _____
Designation _____ to act as departmental representative in terms of sub rule 7 of rule 6 to assist the enquiry officer.

Necessary record of the case pertaining to the enquiry in terms of rule 6 (6) is being sent to the E.O. through the department representative.

(_____)
AUTHORITY

Caution:

- i. The model charge sheet is meant to be served in cases where the Authority considers an enquiry, through the inquiry officer/enquiry committee is necessary.
- ii. The model charge sheet is designed to furnish essential guidelines only and it may be suitably amended, altered or added to keeping in view the circumstances of each case. The words, expressions or part not applicable may be carefully deleted. For example, an accused is not always required to be charged of all the components at a, b, c and d of para 2 of the model charge sheet. The relevant may be retained and others deleted.
- iii. Each case has to be examined in its own perspective with due care and charge sheet is not to be used mechanically. The underlying idea, in circulating it, is simply to provide general guidance.
- iv. It needs hardly be added that these caution notes are not to form part of the contents of the charge sheet meant to be actually served.

MODEL CHARGE SHEET

I, (name and full designation of the E.O.) _____
_____ having been appointed as enquiry officer or convener of the Enquiry Committee by the Authority against you, to proceed against you, hereby charge sheet you Mr. _____ (full designation of the accused) as under:-

That while posted as _____
_____ you committed the following irregularities;

- i) _____
- ii) _____

2. By reasons of the above you appear to be:

- a) inefficient within the meaning of rule 3 (a) of the Punjab Civil Servants (Efficiency and Discipline) Rules, 1999 and or
- b) guilty of misconduct within the meaning of rule 2 (1) (e) and 3 (b) of the Punjab Civil Servants (Efficiency and Discipline) Rules, 1999 and or
- c) corrupt or can reasonably be considered corrupt within the meaning of rule 3 (C) of the Punjab Civil Servants (Efficiency and Discipline) Rules, 1999 and or
- d) engaged or are reasonably suspected of being engaged in subversive activities, or are reasonably suspected of being associated with others engaged in subversive activities or are guilty of disclosure of official secrets to unauthorized person(s) and your retention in service is, therefore, considered prejudicial to the national security within the meaning of rule 3 (d) of the Punjab Civil Servants (Efficiency and Discipline) Rules, 1999,

and as such, are liable to disciplinary action under the Punjab Civil Servants (Efficiency and Discipline) Rules, 1999, which may include imposition of one or more of the penalties prescribed by rule 4 of the said rules.

3. You are hereby required to submit your written defence within _____ days of the receipt of this charge sheet, as to why disciplinary action as aforesaid may not be taken against you.

4. Your written defence should reach the undersigned within the aforesaid period along with a list of defence witnesses you may wish to produce in support of your defence. In case of your failure to do so, it shall be presumed that either you have no defence to offer or you have declined to offer the same, and you accept the charges.

5. In case you desire to consult any record on which the aforesaid charges are based or is relevant to the aforesaid charges, you may do so with prior arrangement with the undersigned within 7 days of the receipt of this charge sheet.

Dated: _____ Officer _____
Designation

Enquiry Officer/Convener of the Enquiry Committee

The days allowed are to be not less than seven (7) and not more than fourteen (14) from the day the charge sheet is served.

**MODEL SHOW CAUSE NOTICE UNDER RULE 6 (3)
OF THE EFFICIENCY AND DISCIPLINE RULES, 1999
TO BE ISSUED BY THE AUTHORITY**

Whereas the undersigned, as Authority, under Punjab Civil Servants (Efficiency and Discipline) Rules, 1999 in due consideration of the facts that you, Mr. _____,

While posted as _____ committed the following irregularities and there are sufficient grounds to proceed against you.

- i) _____
- ii) _____

And whereas the undersigned has decided that it is not necessary to have an enquiry conducted in proof thereof and whereas it is proposed to proceed against you under sub rule (3) of Rule 6 of the Punjab Civil Servants (Efficiency and Discipline) Rules, 1999.

Now, therefore, you are hereby called upon to show cause in writing within _____ days of the receipt of this communication as to why one or more of the penalties as prescribed in Rule 4 of the Punjab Civil Servants (Efficiency and Discipline) Rules, 1999 should not be imposed upon you.

Your explanation (in duplicate) should reach the undersigned within the said period, failing which it shall be presumed that you have no defence to offer, and do not wish to be heard in person.

In case you may desire to consult any record, on which the aforesaid charges are based or is relevant to the aforesaid charges, you may do so with prior arrangement with the undersigned within 7 days of the receipt of this notice.

(_____)
AUTHORITY

**MODEL DRAFT OF NOTICE OF PERSONAL HEARING, UNDER RULE 10
OF THE PUNJAB CIVIL SERVANTS (E&D) RULES, 1999**

Memo

To

(give here full name & designation and address of the accused civil servant).

**Subject: PERSONAL HEARING UNDER RULE 10 OF THE PCS (E&D)
RULES, 1999**

On the basis of the enquiry conducted against you, the undersigned has determined that the following charges (give here full designation) stand proved against you:-

- 1) _____
- 2) _____
- 3) _____

(give here the brief description of the charges proved).

A copy of the enquiry report is enclosed. It is proposed to impose on you the penalty of _____ (state here the proposed penalty).

You are hereby offered the opportunity of personal hearing before
Mr. _____

For this purpose you are hereby advised in your own interest, to appear before the aforesaid officer on _____.

(_____)
AUTHORITY

**GOVERNMENT OF THE PUNJAB
SERVICES & GENERAL ADMINISTRATION DEPARTMENT
Dated Lahore the 15th June, 1999**

NOTIFICATION

NO. SORI(S&GAD)1-60/99. The Chief Minister, Punjab, is pleased to constitute the following Task Force for ensuring finalization of enquiries within the prescribed time limits:

- | | | |
|----|--|----------------------|
| 1. | Mr. Asif Ali Malik, MPA | Convener |
| 2. | Mr. Zahoor-ul-Haq Shaikh
Member
Secretary Planning & Development Board, Punjab | |
| 3. | Secretary (Imp. & Coord.)
Member
Government of the Punjab, S&GAD | |
| 4. | Secretary (Regulations),
Government of the Punjab, S&GAD | Member/
Secretary |

The role and responsibilities of the Task Force shall be as follows:

- i) Guiding, monitoring and judging the progress of enquiries;
- ii) Ensuring the finalization of enquiries within the stipulated time limits;
- iii) Accounting for the reasons of delay to be recorded in writing by the enquiry officers/enquiry committees and the authorities, as the case may be;
- iv) Counseling and guiding the relevant authorities and others concerned to facilitate the process at every stage.

2. For the accomplishment of its assignments, the Task Force may hold periodical review meetings at divisional headquarters depending upon the number of reported pending cases. The relevant authorities and enquiry officers/enquiry committees stationed at divisional headquarters related with the pending enquiries in the divisions shall fully cooperate with the Task Force. The monitoring Cell of the S&GAD (O&M Wing) shall act as secretariat of the Task Force.

ANCILLARY INSTRUCTIONS

**THE PUNJAB CIVIL SERVANTS
(EFFICIENCY AND DISCIPLINE)
RULES, 1999**

NO.SORI(S&GAD)1-61/98-P.I
Dated Lahore the 22nd December, 1999

Subject: PROCEEDINGS UNDER THE PUNJAB CIVIL SERVANTS (E&D) RULES, 1999 – MEDICAL EXAMINATION AS TO MENTAL OR BODILY INFIRMITY OF A CIVIL SERVANT

I am directed to refer to the subject noted above and to say that according to the provisions of rule 13 of Punjab Civil Servants (E&D) Rules, 1999, where it is proposed to proceed against a civil servant on the ground of inefficiency by reasons of infirmity of mind or body, the authority may, at any stage, require the civil servant to undergo a medical examination by a Medical Board or a Medical Superintendent, as the authority may direct. The report/certificate of the Board or the Medical Superintendent, as the case may be, shall form a part of such proceedings under the rules *ibid*.

2. It is clarified that such a medical certificate/report in itself does not furnish a foundation for dispensing with the procedure laid down in rule-6 and 7 of the rules *ibid*. The course of action laid down in the said rules may appropriately be followed before the proceedings are taken to their logical conclusion.

No.SORI(S&GAD)1-61/98 (Provl)
Dated Lahore the 7th March, 2000

Subject: ENFORCEMENT OF PENALTY OF REDUCTION TO A LOWER POST IN THE CASE OF DIRECTLY RECRUITED CIVIL SERVANTS

I am directed to refer to the subject noted above and state that a question has arisen as to whether the penalty of “reduction to a lower post” under E&D Rules could be imposed on a civil servant who has been appointed by initial recruitment to that post or not.

2. It is clarified, in consultation with the Law & P.A. Department, that the Punjab Service Tribunal, in a case titled “Malik Muhammad Shafi and 3 others Vs. Government of the Punjab and others” reported in 1985 PLC(CS)548 has held that a penalty of reduction to a lower post cannot be imposed on the accused civil servant who has been appointed to the post, occupied by him at the time of imposition of penalty, by initial recruitment. Such a penalty could, however, be imposed on the accused civil servant who is holding a higher post by promotion.

3. I am further directed to request you that the contents of this letter may be brought to the notice of all concerned for compliance.

Subject: IMPLEMENTATION OF THE ORDERS PASSED BY THE
AUTHORITIES UNDER E&D RULES/PUNJAB REMOVAL FROM
SERVICE (SPECIAL POWERS) ORDINANCE, 2000

I am directed to refer to the subject noted above and to state that a Department of the Government of the Punjab raised a question as to whether the penalty imposed by the competent authority under E&D Rules, 1999 and Punjab Removal from Service (Special Powers) Ordinance, 2000, can be withheld for implementation pending decision of appeal of the appellate authority. This question has been raised on the presumption that if the order is implemented immediately without waiting for the final fate of the appeal, etc. apparently there is no point/justification for making provision of appeal in the statute.

2. The question has been examined in detail by the Regulation Wing of S&GAD. The orders passed by the competent authorities under E&D Rules/PRSO 2000, become operative/effective with effect from the date of issuance and no one is competent to stay/withhold the implementation of these orders. The appellate authorities under rule 17 of the E&D Rules, 1999 and Section 9 (2) of the Punjab Removal from Service (Special Powers) Ordinance, 2000, are competent to confirm/set aside/vary or modify the order in respect of which such representation or review petition has been filed in accordance with these laws.

3. I am, therefore, directed to request that orders of the competent authorities passed under E&D Rules/PRSO, 2000 should immediately be implemented without waiting for lapse of appeal period and fate of appeals/review/revision, etc. under E&D proceedings



**THE PUNJAB REMOVAL FROM
SERVICE (SPECIAL POWERS)
ORDINANCE, 2000**

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NOTIFICATION
18th September, 2000

No.Legis:3(IV)/2000. The following Ordinance promulgated by the Governor of the Punjab is hereby published for general information.

**THE PUNJAB REMOVAL FROM SERVICE
(SPECIAL POWERS) ORDINANCE, 2000**
(PUNJAB ORDINANCE NO. IV OF 2000)

AN

ORDINANCE

to provide for dismissal, removal, compulsory retirement from service, reduction to a lower post or pay scale and other penalties in respect of corrupt and inefficient persons in Government service and persons in Corporation service:

WHEREAS it is expedient to provide for dismissal, removal, compulsory retirement from service, reduction to a lower post or pay scale and other penalties in respect of corrupt and inefficient persons in Government service and persons in Corporation service:

AND WHEREAS the Provincial Assembly stands suspended in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999, and the Provisional Constitution Order No. 1 of 1999:

AND WHEREAS the Governor of the Punjab is satisfied that circumstances exist which renders it necessary to take immediate action:

NOW, THEREFORE, in pursuance of the Proclamation of Emergency of the fourteenth day of October, 1999 and the Provisional Constitution (Amendment) Order No.9 of 1999 on the instructions of the Chief Executive and in exercise of all powers enabling him in that behalf, the Governor of the Punjab is pleased to make and promulgate the following Ordinance:

1. **Short title, extent, commencement and application:** (1) This Ordinance may be called the Punjab Removal from Service (Special Powers) Ordinance, 2000.

- (2) It extends to the whole of Punjab.
- (3) It shall come into force at once and the provisions of sub clause (iv) of clause (C) of sub-section (1) of Section 3 and sub-section (5) shall be deemed to have taken effect from the 18th of September, 2000.
- (4) It shall apply to persons in Government service and Corporation service.

2. **Definitions** (1) In this Ordinance, unless there is anything repugnant in the subject or context:

- a) ♣ "Chief Minister" means Chief Minister of the Punjab.
- aa) "competent authority" means the Chief Minister and where in relation to any person or class of persons, the Chief Minister authorizes any officer or authority, not being inferior in rank to the appointing authority prescribed for the post held by the person against whom action is proposed to be taken, to exercise the

♣ Word "Governor" replaced with the words "Chief Minister" wherever occurring vide Ordinance dated 30.12.2002.

powers of competent authority under this Ordinance that officer or authority, and, in relation to an employee of a court or a Tribunal functioning under the Punjab Government, the appointing authority or the Chairman or Presiding Officer of the Court or the Tribunal on being authorized by the appointing authority to exercise the powers of competent authority under this Ordinance.

- b) "misconduct" includes conduct prejudicial to good order or service discipline ♦ or *contrary to the Punjab Government Servants Conduct Rules, 1966* for the time being in force or conduct unbecoming of an officer and a gentleman or involvement or participation for gain either directly or indirectly in industry, trade or speculative transactions or abuse or misuse of official position to gain undue advantage or assumption of such financial or other obligations in relation to private institutions or persons as may cause embarrassment in the performance of official duties or functions.
- c) "person in corporation service" means every person in the employment of a corporation, corporate body, authority, statutory body or other organization or institution set up, established, owned, managed or controlled by the Punjab Government, or by or under any law for the time being in force or a body or organization in which the Punjab Government has a controlling share or interest and includes the Chairman and the Managing Director, and the holder of any other office therein, and
- d) "person in Government service" includes every person who is a member of a Civil Service of the Province or who holds a civil post in connection with the affairs of the province or any employee serving in any Court or Tribunal set up or established by the Punjab Government but does not include a Judge of the High Court or any Court subordinate to the High Court, or any employee of the said Courts thereof.

3. **Removal from Service:** (1) Where in the opinion of the competent authority, a person in Government or Corporation service is:

- a) inefficient or has ceased to be efficient for any reason; or is guilty of being habitually absent from duty without prior approval of leave; or
- b) guilty of misconduct; or
- c) corrupt, or may reasonably be considered as corrupt, because:
 - i) he, or any of his dependents or any other person, through him or on his behalf, is in possession of pecuniary sources or property, for which he cannot reasonably account for and which are disproportionate to his known sources of income; or
 - ii) he has assumed a style of living beyond his known sources of income; or
 - iii) he has a reputation of being corrupt; or
 - iv) he has entered into plea-bargaining under any law for the time being in force and has returned the assets or

♦ Added vide Ordinance dated 09.10.2002.

gains acquired through corruption or corrupt practices voluntarily; or

- d) engaged or is reasonably believed to be engaged in subversive activities, and his retention in service is prejudicial to national security or he is guilty of disclosure of official secrets to any unauthorized person, or
- e) found to have been appointed or promoted on extraneous grounds in violation of law.

*“the competent authority, after inquiry by the inquiry officer or committee constituted under section 5 may, notwithstanding anything contained in any law or the terms and conditions of service of such person by order in writing, impose one or more of the following penalties:

- i) censure;
- ii) withholding, for a specific period, promotion or increment, otherwise than for unfitness for promotion, or financial advancement in accordance with the rules or orders pertaining to the service or post;
- iii) reduction to a lower post or pay scale or to a lower stage in a pay scale;
- iv) recovery from pay, pension or any other amount payable to him, the whole or a part of any pecuniary loss caused to the Government or the organization in which he was employed;
- v) compulsory retirement;
- vi) removal from service; and
- vii) dismissal from service.”

(2) Before passing an order under sub-section (1), the competent authority shall: by order in writing inform the accused of the action proposed to be taken with regard to him and the grounds of the action; and

- a) give him a reasonable opportunity of showing cause against that action within seven days or within such extended period as the competent authority may determine;
- b) provided that no such opportunity shall be given where the competent authority is satisfied that in the interest of security of Pakistan or any part thereof it is not expedient to give such opportunity:

Provided further that no such opportunity shall be given where the accused is to be punished or removed from service or reduced in rank on the ground of having been convicted for an offence involving moral turpitude or financial irregularity which has led to a sentence of fine or of imprisonment or where the competent authority is satisfied for reasons to be recorded in writing that it is not reasonably practicable to give the accused an opportunity of showing cause.

*Substituted vide Ordinance dated 09.10.2002.

(3) [♣]The dismissal from service under this Ordinance shall disqualify the person for future employment under the Government or under any organization to which the provision of this Ordinance apply and;

(4) [□]“Any penalty under this Ordinance shall not absolve such person from liability to any punishment to which he may be liable for an offence, under any law, committed by him while in service.

(5) In case the amount due from any such person, cannot be wholly recovered from the pay, pension or any other amount payable to such person, the amount due shall also be recovered from such person under the law for the time being in force.”

4. **Suspension:** A person against whom action is proposed to be taken under sub-section (1) of Section 3 may be placed under suspension if, in the opinion of the competent authority, suspension is necessary or expedient:

Provided that the competent authority may in an appropriate case, for reasons to be recorded in writing instead of placing such person under suspension, require him to proceed on such leave as may be admissible to him from such date as may be specified by the competent authority.

5. **Power to appoint an Enquiry Officer or Inquiry Committee:** [♦][(1) If the competent authority considers that an inquiry is necessary it shall, before passing an order under section 3, appoint an Inquiry Officer who, or Inquiry Committee whose convenor, shall be of a rank senior to that of the accused or if there are more than one accused, senior to all accused, to scrutinize the conduct of a person in Government service or a person in corporation service who is alleged to have committed any of the acts or omissions specified in section 3. In case two or more accused are to be proceeded against jointly, the competent authority for the accused senior most in rank shall be the competent authority in respect of all such accused for holding the inquiry jointly. The Inquiry Officer or, as the case may be, the Inquiry Committee shall-]

- a) communicate to the accused the charges and statement of allegations specified in the order of inquiry passed by the competent authority;
- b) require the accused within seven days from the day the charge is communicated to him to put in a written defence;
- c) enquire into the charge and may examine such oral or documentary evidence in support of the charge or in defence of the accused as may be considered necessary and the accused shall be entitled to cross-examine the witnesses against him; and
- d) hear the case from day to day and no adjournment shall be given except for special reasons to be recorded in writing and intimated to the competent authority.

[♥]**Explanation** – The order of inquiry and the statement of allegations specified in the said order shall be signed by the competent authority; provided that where the [#]Chief Minister

[♣]Sub-section (3) substituted vide Ordinance dated 09.10.2002.

[□]Sub-section (4) & (5) added vide Ordinance dated 09.10.2002.

[♦]Para (1) of Section 5 replaced vide Ordinance dated 04.12.2001.

[♥]‘Explanation’ inserted vide Ordinance dated 09.10.2002.

[#]The words ‘the Governor or’ deleted vide Ordinance dated 30.12.2002.

is the competent authority, the same may be signed by such officer as may be authorized in that behalf, and such order and the statement of allegations so signed shall per se constitute the charge sheet for communication by the Inquiry Officer or the Inquiry Committee to the accused person; and

(2) Where the Inquiry Officer or as the case may be, the Inquiry Committee is satisfied that the accused is hampering, or attempting to hamper, the progress of the inquiry he or it shall record a finding to that effect and proceed to complete the inquiry in such manner as he, or it, deems proper in the interest of justice.

(3) The Inquiry Officer or, as the case may be, the Inquiry Committee shall submit his, or its findings and recommendations to the competent authority within* forty five days of the initiation of inquiry:

Provided that the competent authority, for sufficient reasons, may extend the said period.

(4) The competent authority may dispense with the inquiry under sub-section(1) if it is in possession of sufficient documentary evidence against the accused or for reasons to be recorded in writing, it is satisfied that there is no need of holding an inquiry.

(5) Where a person who has entered into plea bargaining under any law for the time being in force, and has returned the assets or gains acquired through corruption or corrupt practices voluntarily, the inquiry shall not be ordered:

Provided that show cause notice shall be issued on the basis of such plea bargaining to such person informing him of the action proposed to be taken against him and the grounds of such action requiring him to submit reply within fifteen days of the receipt of the notice. On receipt of the reply, the competent authority may pass such orders as it may deem fit.

6. Powers of the Inquiry Officer or Inquiry Committee: (1) For the purpose of an inquiry under this Ordinance, the Inquiry Officer and the Inquiry Committee shall have the powers of a civil court trying a suit under the Code of Civil Procedure, 1908 (Act V of 1908) in respect of the following matters, namely:

- a) summoning and enforcing the attendance of any person and examining him on oath;
- b) requiring the discovery and production of documents.
- c) receiving evidence on affidavits; and
- d) issuing commissions for the examination of witnesses or documents.

(2) The proceedings under this Ordinance shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Pakistan Penal Code (XLV of 1860).

7. Procedure to be followed by the Inquiry Officer or Inquiry Committee: The Inquiry Officer or Inquiry Committee shall, subject to any rules made under this Ordinance, have power to regulate its own procedure, including the fixing of place, time of its sitting and deciding whether to sit in public or in private, and in the case of a corporate committee, to act notwithstanding the temporary absence of any of its members.

* Added vide Ordinance dated 09.10.2002.

♠7-A. **Procedure of enquiry against officers lent to other governments, etc.-(1)**
Where the services of a government employee to whom this Ordinance applies are lent to any other government or to a local or other authority, in this Ordinance referred to as the borrowing authority, the borrowing authority shall have the powers of Competent Authority for the purpose of placing him under suspension or requiring him to proceed on leave and of initiating proceedings against him under this Ordinance:

Provided that the borrowing authority shall forthwith inform the Authority which has lent his services, hereinafter in this Ordinance referred to as the lending authority, of the circumstances leading to the order of his suspension or the commencement of the proceedings, as the case may be:

Provided further that the borrowing authority shall obtain prior approval of the Government of the Punjab before taking any action under this Ordinance against a civil servant holding a post in Basic Pay Scale 17 or above.

(2) In the light of the findings in the proceedings taken against a civil servant in terms of sub-section (1) above, if, the borrowing authority is of the opinion that any penalty should be imposed on him, it shall transmit to the lending authority the record of the proceedings and there-upon the lending authority shall take action as prescribed in this Ordinance.

(3) Notwithstanding anything to the contrary contained in sub-section (1) & (2), Government may, in respect of certain civil servants or categories of civil servants, authorize the borrowing authority to exercise all the powers of authority under these circumstances.

8. **Order to be passed upon a finding:** Every finding recorded by the Inquiry Officer or Inquiry Committee under section 5 shall, with the recommendation provided for in that section, be submitted to the competent authority and the competent authority may pass such orders thereon as it may deem proper in accordance with the provisions of this Ordinance:

♣Provided that the Competent Authority, before passing any order under this section, shall, either itself or through any other officer senior in rank to the accused person, afford such person an opportunity of personal hearing:

Provided further that where the competent authority is satisfied that the inquiry proceedings have not been conducted in accordance with the provisions of this Ordinance, or the facts and the merit of the case have been ignored, or there are other sufficient reasons, it may, within a period of thirty days and after recording reasons, either remand the inquiry to the Inquiry Officer or, as the case may be, the Inquiry Committee with such directions as the competent authority may like to give, or may order a de novo inquiry.

9. **Representation and review:** (1) ♦ The person who has been awarded any penalty under this Ordinance, may, within fifteen days from the date of

♠ Added vide Ordinance dated 04.12.2001.

♣ Substituted vide Ordinance dated 09.10.2002.

♦ Substituted vide Ordinance dated 09.10.2002.

communication of the order prefer a representation to ~~#the Governor or~~ such officer or authority as the *Chief Minister may designate:

Provided that where the order has been made by the ☐ Chief Minister such person may, within the aforesaid period, submit a review petition to the same authority which had passed the original order.

(2) The Authority empowered under sub-section (1) may, on consideration of the representation or, as the case may be, the review petition, and any other relevant material, confirm, set aside, vary or modify the order in respect of which such representation or review petition was made.

(3) A representation or review preferred under this section shall be made in the form of a petition, in writing, and shall set forth concisely the grounds of objection to the order appealed from and shall not contain disrespectful or improper language and shall be filed with the authority which passed the original order.

(4) The authority, receiving the representation or review under sub-section (3) shall, within fifteen days, forward the same, along with its comments, to the authority competent to decide the same.

***9-A. Special Powers** (1) The competent authority or the authority to which a representation or review lies under this Ordinance, may call for and examine the record of any proceedings before any authority for purposes of satisfying as to the correctness, legality or propriety of any finding, penalty or order recorded or passed and as to the regularity or any proceedings of such authority.

(2) On examining any record under this section, such authority may direct the authority concerned to make further inquiry into the charges of which the accused was acquitted or discharged and may, in its discretion, exercise any or all the powers of an authority under section 9 of this Ordinance:

Provided that no order prejudicial to the accused person shall be passed under this section unless such person has been given an opportunity to show cause against the proposed action:

Provided further that an order imposing punishment or exonerating the accused shall not be revised suo motu or otherwise after the lapse of period of one year from the date of communication of the order of the competent authority, and in case a representation or review is preferred, from the date of communication of the order on such representation or review.

9-B. Appearance of counsel: The accused person, at no stage of the proceedings under this Ordinance except proceedings under section 10, shall be represented by an advocate.

10. Appeal: Notwithstanding anything contained in any other law for the time being in force, any person aggrieved by any final order under Section 9 may, within thirty days from the date of communication of the order, prefer an appeal to the Punjab Service Tribunal established under the Punjab Service Tribunals Act, 1974 (IX of 1974):

#The words 'the Governor or' deleted vide Ordinance dated 30.12.2002.

*The word 'Governor' substituted with the words 'Chief Minister' vide Ordinance dated 30.12.2002.

☐The word 'Governor' substituted with the words 'Chief Minister' vide Ordinance dated 30.12.2002.

*9-A & 9-B added vide Ordinance dated 09.10.2002.

♦ Provided that if a decision on a representation or review petition under section 9 is not received within a period of sixty days, the affected person may file an appeal under this section within a period of thirty days of the expiry of the aforesaid period.

11. **Ordinance to override other laws:** The provisions of this Ordinance shall have effect notwithstanding anything to the contrary contained in the Punjab Civil Servants Act, 1974 (VIII of 1974) and the rules made thereunder and any other law for time being in force.

12. **Proceedings under this Ordinance:** All proceedings initiated on the commencement of this Ordinance in respect of matters and persons in service provided for in this Ordinance shall be governed by the provisions of this Ordinance and rules made thereunder:

*“Provided that the Provincial Government may, by notification in the official gazette, exempt any class or classes or employees of a corporation, a corporate body, authority, statutory body or other organization or institution set up, established, owned, managed or controlled by it or a body or organization in which it has a controlling share or interest from the provisions of this Ordinance and such class or classes of employees shall, notwithstanding any thing contained in this Ordinance, be proceeded against and dealt with under the laws and rules applicable to such employees before the commencement of this Ordinance.”

13. **Pending proceedings to continue:** For the removal of doubts, it is hereby provided that all proceedings pending immediately before the commencement of this Ordinance against any person whether in Government service or corporation service under the Punjab Civil Servants Act, 1974 (VIII of 1974) and rules made thereunder, or any other law or rules shall continue under the said laws and rules, and as provided thereunder.

14. **Pensionary benefits etc:** Notwithstanding anything contained in this Ordinance the payment of pension or other benefits to a person retired or reduced to a lower post or pay scale under this Ordinance shall, if admissible, be regulated in accordance with the law for the time being in force relating thereto.

♦14.A. **Indemnity:** No suit, prosecution or other legal proceedings shall lie against the competent authority or any officer or authority authorized by it for any thing which is in good faith done or intended to be done under this Ordinance or the rules, instructions or directions made or issued thereunder.

♥14.B. **Jurisdiction barred:** Save as provided under this Ordinance, no order made or proceedings taken under this Ordinance, or the rules made thereunder by the competent authority or any officer or authority authorized by it shall be called in question in any Court and no injunction shall be granted by any Court in respect of any decision made or proceedings taken in pursuance of any power conferred by, or under this Ordinance, or the rules made thereunder.

15. **Power to make rules:** The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

♦ Added vide Ordinance dated 09.10.2002.

* Added vide Ordinance dated 28.02.2002.

♦ Added vide Ordinance dated 28.02.2002.

♥ Added vide Ordinance dated 28.02.2002.

16. **Removal of difficulties** If any difficulty arises in giving effect to any of the provisions of this Ordinance, the ♦Chief Minister may make such Order, not inconsistent with the provisions of this Ordinance, as may appear to him to be necessary for the purpose of removing the difficulty.

♦The word 'Governor' substituted with the words 'Chief Minister' vide Ordinance dated 30.12.2002.

ANCILLARY INSTRUCTIONS

THE PUNJAB REMOVAL FROM SERVICE
(SPECIAL POWERS) ORDINANCE, 2000

No. SOR.III.1-33/94(B)
Dated the 5th November 2001

In supersession of this Department's Notification of even No. dated 06.12.2000, Governor of the Punjab in exercise of the powers conferred by Section 2(aa) of the Punjab Removal from Service (Special Powers) Ordinance, 2000, has authorized the officers/authorities shown in Col-3 of the following Tables to exercise the powers of the Competent Authority under Section 3 of the said Ordinance in respect of Class of persons shown in Col-2 of the tables:

The proceedings initiated on the basis of notification dated 06.12.2000, shall, however, be deemed to have been initiated under this notification.

TABLE-I

- (a) For persons employed in the Punjab Government, in a post, or belonging to a service, group or cadre, in the Secretariat Departments controlled by Punjab Government.

Sr.No.	Class of Persons	Officers authorized to exercise the powers of Competent Authority
1.	2.	3.
1.	Holders of posts of Deputy Secretaries, Superintendents of Police in BS-18 and posts in BS-19.	♣ Chief Minister of the Punjab.
2.	Holders of other posts in BS.18 and posts in BS-16 and 17.	Appointing Authority.
3.	Holders of posts in BS-1 to 15.	Appointing Authority or an officer not below the appointing authority to be notified by the Addl. Chief Secretary. ♣ Administrative Secretary.

TABLE-II

- (b) For persons employed in an attached department or a subordinate office of the Punjab Government.

Sr. No.	Class of Persons	Officers authorized to exercise the powers of Competent Authority
1.	2.	3.
1.	Holders of posts in BS-19.	♣ Chief Minister of the Punjab.
2.	Holders of posts in BS-16 to BS-18.	Appointing Authority.
3.	Holders of posts in BS-1 to 15.	An officer not below the appointing authority to be authorized by the Head of Department.

♣ Word "Governor" replaced by the words "Chief Minister" vide Notification No. SOR-III-1-13/2000 dated 08.02.2003.

♣ "Administrative Secretary" declared by Personnel Wing, S&GAD.

♣ Word "Governor" replaced by the words "Chief Minister" vide Notification No. SOR-III-1-13/2000 dated 08.02.2003.

TABLE-III

(c) For Persons in Corporation Service

Sr. No.	Class of Persons	Officers authorized to exercise the powers of Competent Authority
1.	2.	3.
1.	Holders of posts of in BS-20 and above and equivalent.	Appointing Authority.
2.	Holders of other posts in BS-19 and equivalent	-do-
3.	Holders of posts in BS-16 to 18 and equivalent	Appointing Authority.
4.	Holders of posts in BS-1 to 15 and equivalent	-do-

Explanation: "BS" in all the above tables means the pay scale originally sanctioned for the post and does not include pay scale of a person on account of move-over.

No. SOR.III. 1-33/94(A)
Dated the 5th November 2001

In supersession of this Department's Notification of even number dated 06.12.2000, Governor of the Punjab in exercise of the powers conferred by Section 2(aa) of the Punjab Removal from Service (Special Powers) Ordinance 2000, has authorized the officers/authorities next above the officers/authorities under Section 2 to exercise the powers of the Competent Authority under Section 9(1) of the said Ordinance.

No.SOR.III.1-33/94
Dated the 6th December 2000

Subject: GUIDELINES/PROCEDURE FOR TAKING ACTION UNDER THE
PUNJAB REMOVAL FROM SERVICE (SPECIAL POWERS)
ORDINANCE, 2000

I am directed to refer to the above subject and to say that for the purpose of ensuring expeditious and orderly processing of cases under the Punjab Removal from Service (Special Powers) Ordinance, 2000, the Governor of the Punjab is pleased to lay down the following procedure for processing of cases under the aforesaid Ordinance:

Initiation of proceedings: The competent authority shall order initiation of proceedings against an officer of a Government Organization or corporation on the basis of his opinion that the Government servant or the corporation employee under him has prima facie, ceased to be efficient or is involved in misconduct or corruption, warranting action against him under the Punjab Removal from Service (Special Powers) Ordinance, 2000. The opinion of the competent authority may be formed on the basis of personal knowledge of the competent authority, or on the basis of information placed before him or recommendation of the Anti- Corruption Establishment.

The subordinate officer/ACE while submitting the case to the competent authority shall submit a report to the competent authority giving full facts of the case along with supporting documentary evidence, provided that in case where the competent authority is the Governor, the report shall be submitted

to the Governor through the Secretary of the Administrative Department concerned.

While submitting cases to the Governor for seeking his orders regarding initiation of proceedings under the aforesaid Ordinance, the summary should invariably contain a concise statement giving specific allegations, and proposal in regard to appointment and composition of Inquiry Officer/Committee.

After approval of initiation of proceedings and appointment of Inquiry Officer/Committee under Section 5 of the Ordinance by the competent authority, the accused government servant or corporation employee, as the case may be, shall be conveyed a statement of allegations and order of appointment of Inquiry Officer/Committee. The Inquiry Officer/Committee shall submit its recommendations within the prescribed time (i.e. 30 days) to the competent authority:

Provided that where the competent authority is the Governor, the Inquiry Officer/Committee shall submit its recommendations to the Governor through the Secretary of the Administrative Department concerned.

2. It is requested that the above instructions may be brought to the notice of all concerned under your administrative control for strict compliance.

No.SOR.III. 1-13/2000
Dated the 14th May 2001

Subject: PUNJAB REMOVAL FROM SERVICE (SPECIAL POWERS)
ORDINANCE, 2000

I am directed to say that the above-mentioned Ordinance has come into force w.e.f. 18.09.2000. Section 11 of this ordinance envisages that the provisions of this Ordinance shall have effect notwithstanding anything to the contrary contained in the Punjab Civil Servants Act, 1974, or the rules made thereunder and any other Law for the time being in force. Section 12, on the other hand, says that all proceedings initiated after the commencement of this Ordinance in respect of matters and persons in service provided for in this Ordinance shall be governed by the provisions of this Ordinance.

2. It has come to the notice of Government that the competent authorities are still initiating proceedings against the persons under the E&D Rules, 1999, which is violation of the provisions of the said Ordinance. It is, therefore, clarified that initiation of proceedings against persons under E&D Rules, 1999, is violation of the provisions of Punjab Removal from Service (Special Powers) Ordinance, 2000.

3. I am to request you to bring the above provisions of the Ordinance to the notice of all concerned for strict compliance.

No.SOR.I (S&GAD)1-171/2001
Dated the 26th December 2001

Subject: IMPLEMENTATION OF THE ORDERS PASSED BY THE
AUTHORITIES UNDER E&D RULES/PUNJAB REMOVAL FROM
SERVICE (SPECIAL POWERS) ORDINANCE, 2000

I am directed to refer to the subject noted above and to state that a department of the Government of the Punjab raised a question as to whether the penalty imposed by the competent authority under E&D Rules, 1999 and Punjab Removal of Service (Special Powers) Ordinance, 2000 can be withheld for implementation, pending decision of appeal of the appellate authority. This question has been raised on the presumption that if the order is implemented immediately without waiting for the final fate of the appeal, etc., apparently there is no point/justification for making provision of appeal in the statute.

2. The question has been examined in detail by the Regulations Wing of S&GAD. The orders passed by the competent authorities under E&D Rules/PRSO, 2000, become operative/effective with effect from the date of issuance and no one is competent to stay/withhold the implementation of these orders. The appellate authorities under Rule 17 of the E&D Rules, 1999 and Section 9(2) of the Punjab Removal from Service (Special Powers) Ordinance, 2000, are competent to confirm/set aside/vary or modify the order in respect of which such representation or review petition has been filed in accordance with these laws.

3. I am, therefore, directed to request that orders of competent authorities passed under E&D Rules/PRSO, 2000, should immediately be implemented without waiting for lapse of appeal period and fate of appeals/review/revision, etc., under E&D proceedings.

No.SOR.I(S&GAD)17-2/2002
Dated the 17th June 2002

Subject: IMPOSITION OF MAJOR PENALTY OF REDUCTION TO A LOWER
PAY SCALE TO A CIVIL SERVANT BY THE AUTHORITIES UNDER
PCS (E&D) RULES, 1975, 1999 AND PUNJAB REMOVAL FROM
SERVICE (SPECIAL POWERS) ORDINANCE, 2000

I am directed to refer to the subject noted above and to state that a case has come to the notice of this Department wherein certain officers were proceeded against under the Punjab Removal from Service (Special Powers) Ordinance, 2000, on the charges of inefficiency and misconduct. The accused officers were visited with the imposition of major penalty of reduction to lower pay scale by the competent authority and necessary orders to this effect were issued by the administrative department. Subsequently, the Administrative Department also issued orders whereby the rank of the accused civil servants were reduced on the presumption that officers who have been awarded major penalty of reduction to the lower pay scale are also reduced to the lower post by implication.

2. Sub section (c) of Section 3 of the Punjab Removal from Service (Special Powers) Ordinance 2000 provides that:

“The competent authority, after enquiry by the Inquiry Officer or Committee constituted under section 5 may, notwithstanding any thing contained in any law or the terms and conditions of service of such person by order in writing, dismiss or remove such person from service, compulsorily retire from services or reduce him to lower post or pay scale.”

3. The above provisions of law, as evident from the text, indicate that reduction to lower post, or reduction to lower pay scale, are independent provisions. The competent authority may, in its own wisdom, choose any of them to impose upon the accused civil servant. When the penalty is imposed, the lower authority has no jurisdiction to change the nature of penalty imposed by the competent authority. Any order reducing the accused to the lower post, if issued by the Administrative Department, is without its jurisdiction and such order needs to be revised to restrict it to the penalty imposed by the competent authority. Imposition of penalty of reduction to the lower pay scale does not deprive the accused civil servant of his original status and his post does not fall vacant by implication.

4. This issues with the approval of Governor, Punjab.

No.SOR.I(S&GAD)1-25/2003
Dated the 10th July 2003

Subject: DISCIPLINARY PROCEEDINGS AGAINST CIVIL SERVANTS ON
ACCOUNT OF UNAUTHORIZED ABSENCE FROM DUTY –
TREATMENT OF ABSENCE PERIOD

The instructions issued vide Regulations Wing of S&GAD's circular letter No. SOR-III(S&GAD) 2-37/89 dated 20.04.1989 and letter No. SORI(S&GAD) 16-15/90 dated 17.05.1990, have been re-examined in the light of the decisions of the Punjab Services Tribunal and it has been found that the said instructions are inconsistent with the rules and are, therefore, withdrawn with immediate effect.

2. The problem of unauthorized absence form duty is rampant in Government departments and it has been observed that despite clear rules and instructions on the subject, such cases are not dealt with appropriately in accordance with the rules by the relevant authorities. The Administrative Departments are, therefore, requested to follow the following instructions/guidelines, while dealing with the cases of unauthorized absence from duty:

- i) Competent authorities must ensure that disciplinary action is initiated against a person who absents himself from duty unauthorizedly, immediately on receipt of information to this effect.
- ii) Where disciplinary action could not be initiated against such person due to negligence or other reasons and such person reports for duty after his unauthorized absence, he shall not be assigned any duty until disciplinary proceedings have been completed against him. During the intervening period, he shall be treated to be under suspension.
- iii) The relevant authorities must ensure that disciplinary proceedings under the relevant Laws/Rules are initiated against such person within 30 days of his reporting for duty after unauthorized absence.
- iv) Officers/officials responsible for delay in submitting the case for initiation of action against such person to the competent authority

shall be deemed to be guilty of misconduct and, therefore, shall be liable to be proceeded under the relevant disciplinary law/rules, for the time being in force.

- v) The competent authorities shall ensure that disciplinary proceedings in such cases are completed at the earliest possible time so that such persons do not remain under suspension for long periods, thus becoming a burden on the public exchequer.
- vi) The Competent Authorities under the relevant disciplinary law/rules shall confine themselves to taking disciplinary action in accordance with the rules. They must not make recommendations as to how the period of unauthorized absence shall be treated, as the leave sanctioning authority under the Leave Rules and the competent authority under E&D Rules/Punjab Removal from Service (Special Powers) Ordinance, 2000, are usually not the same.
- vii) After the decision of the authorities under E&D Rules/Punjab Removal from Service (Special Powers) Ordinance, 2000, etc., absence period may be dealt with separately, in accordance with the provisions of Revised Leave Rules, 1981.
- viii) Relaxation of Revised Leave Rules, 1981 may only be granted in extremely genuine hardship cases of absence beyond the control of the employee.
- ix) The period of absence from duty, if not regularized, constitutes break in service, as provided under Rule 2.11 of Pension Rules, 1967. This needs not and should not be specified in any orders, as such orders lead to unnecessary litigation. This implication is automatic under Rule 2.1 of the Pension Rules.
- x) It has been observed that authorities generally tend to treat cases of absence from duty lightly and give minor punishments/penalties in cases where a person has remained absent from duty for long periods of time. It is clarified that absence from duty is a serious misconduct on the part of a person. The competent authorities must, therefore, ensure that penalties in such cases are commensurate with the gravity of the charge, proved against the accused person.
- xi) The relevant authority must ensure that where a person remains on leave including absence for more than 5 years, the name of such person is removed from the seniority list and placed on separate static list as provided under proviso to Rule 8(3) of Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974 and also instructions bearing No. SOR-II(S&GAD) 15-7/84 dated 14.7.1988.

2. This issues with the approval of the Chief Minister. All Administrative Departments/Authorities are requested to ensure strict application and compliance of the above instructions.

No.SOR.I(S&GAD)1-22/2003
Dated Lahore the 11th July 2003

Subject: REVIEW AND NOT APPEAL IN CERTAIN CASES

I am directed to refer to the subject noted above and to invite your attention to Rule 16 and 18 of the Punjab Civil Servants (Efficiency & Discipline) Rules, 1975/1999, respectively, which provide that where the original order has been passed by the Government, no appeal shall lie and instead, a review petition shall lie

to the Government and Government may, in its discretion, exercise any of the powers conferred on the appellate authority.

2. It has been observed that Administrative Departments are misconstruing the meaning of the said rules. The Administrative Secretaries, while exercising the powers of authority on behalf of the Government against the accused under the Punjab Civil Servants (E&D) Rules, 1975/1999, are also entertaining review petitions of the aggrieved, against their own orders. This is not a correct interpretation of the rules *ibid*. Where the Administrative Secretaries pass the order of penalty, they are not competent to entertain review petitions against their own orders, on the assumption that this order was passed by the Government.

3. It is, therefore, clarified that the Authority, for exercising the powers of the Government within the meaning of rule 16 and 18 of the Punjab Civil Servants (E&D) Rules, 1975/1999, respectively, would mean the Governor or the Chief Minister, whichever the case may be, and not the Secretary to the Government. Review petition will lie only when the orders of penalties are issued after getting prior approval of the Governor/Chief Minister, in their capacity as Authority in the case. Where the orders have been passed by the Secretary to Government in that case, no review will lie but instead an appeal shall lie to the next higher authority i.e., Chief Secretary. Thus the Administrative Secretaries are required to treat the review petitions, if filed to them, as appeals and should pass them on to the Chief Secretary, along with their comments.

4. The Law Department is of the view that 'Government' can be located in a given context and the criteria would be as to who holds the ultimate decision-making powers because, for different persons and in different circumstances, the 'Government' may have a different connotation. The Administrative Secretary when imposes a penalty under E&D Rules, 1975, as 'Authority' or 'Authorized Officer', he is not a 'Government', therefore, an appeal shall lie to the next higher authority against such decision/orders.

5. I am, therefore, directed to request the Administrative Secretaries that the above clarifications may strictly be adhered to while entertaining review petitions from the aggrieved civil servants against their own order.

No.SOR.I(S& GAD)1-76/2003

Dated the 6th September 2003

Subject: GRANT OF AUTHORIZATION TO ADMINISTRATIVE SECRETARIES
AND SPECIAL SECRETARIES TO SIGN ORDER OF INQUIRY AND
STATEMENT OF ALLEGATIONS ON BEHALF OF CHIEF
MINISTER UNDER SECTION 5 OF THE PRSO, 2000

I am directed to invite your attention to Section 5(1) of the Punjab Removal from Service (Special Powers) Ordinance, 2000 which provides that if the competent authority considers that an inquiry is necessary, it shall, before passing an order under Section 3, appoint an inquiry officer or inquiry committee, whichever the case may be, to scrutinize the conduct of the accused civil servant. It has also been laid down in the "Explanation" given below Section 5(1)(d) that the order of inquiry and statement of allegations specified in the said order shall be signed by the competent authority, provided that where the Governor or the Chief Minister is the Competent authority, the same may be signed by such officer as may be authorized in that behalf.

2. It has been observed that while conducting disciplinary matters, strict application of the above referred provision in each and every case may create legal complications as the possibility/risk of leaving a lacuna in the proceedings on account of absence of such authorization by the Chief Minister cannot be ruled out.

3. In order to avoid any such lapses in future, the Chief Minister has been pleased to decide that in all the disciplinary cases in which he being the Competent Authority, approves the initiation of proceedings under Punjab Removal from Service (Special Powers) Ordinance, 2000 against delinquent civil servants, the inquiry orders/statement of allegations would be signed by the concerned Administrative Secretaries/Special Secretaries, on his behalf.

No.SOR.I(S& GAD)1-13/2004

Dated the 16th March 2004

Subject: ACCEPTANCE OF RESIGNATION DURING PENDENCY OF ENQUIRY
PROCEEDINGS UNDER E&D RULES/PRSO, 2000

I am directed to refer to the subject noted above and to state that Administrative Departments approach the Regulations Wing, S&GAD, time and again to tender advice regarding the issue of acceptance of resignation of accused civil servants, during pendency of enquiry proceedings against them under Efficiency and Discipline Rules/Punjab Removal from Service (Special Powers) Ordinance, 2000.

2. After having examined the matter thoroughly, the Regulations Wing sets forth the following guidelines for taking necessary action by the Administrative Departments/Competent Authorities on the subject:

- (i) Once disciplinary action is initiated by the Competent Authority, the same must reach its logical conclusion and resignation tendered by the accused, during the conduct or pendency of disciplinary/enquiry proceedings should not be accepted. Only after the conclusion of the disciplinary proceedings and issuance of final orders under the relevant laws/rules by the competent authority,

- necessary action regarding acceptance of resignation of the civil servant may be taken by the relevant appointing authority.
- (ii) Where the enquiry proceedings have not yet been formally started by the competent authority but certain charges have emerged against the accused civil servant which relate to serious misconduct such as embezzlement, causing financial loss to the Government on account of his acts and omissions or otherwise the charges are of serious in nature, the resignation tendered by the accused should not be accepted without having started and completed the disciplinary action against him under the law/rules.
 - (iii) Where the disciplinary proceedings have not yet been initiated by the Competent Authority and the charges are not of very serious nature and do not involve any loss to the government or any other individual e.g., absence from duty, Administrative Departments/Appointing Authorities may, in their discretion, accept resignation of the civil servant and disciplinary proceedings may not be initiated against him, if deemed appropriate.

NO.SOR.I(S&GAD)1-76/2003
Dated the 21st May 2004

Subject: CHANGE OF PROCEDURE UNDER PUNJAB REMOVAL FROM
SERVICE (SPECIAL POWERS) ORDINANCE, 2000

The Punjab Removal from Service (Special Powers) Ordinance, 2000 was notified in the year 2000 and is operative for the last almost four years. However, many Competent Authorities and Inquiry Officers are still not taking cognizance of the changes in procedural formalities brought about by the PRSO, 2000. Some of these are highlighted below:

- (i) Under rule 6(3)(a) and (b) of the E&D Rules, 1975, the charge sheet and allegations were to be framed and signed by the authorized officer. The forum for Authorized Officer having been abolished under the E&D Rules, 1999, the responsibility of framing charges, (signing the same) and communicating them to the accused devolved on the Enquiry Officer {Rule 6(6)}. However, under the PRSO 2000, the statement of allegations is to be framed and signed by the Competent Authority in every case and the Enquiry Officer will communicate the same to the accused (explanation under Section 5);
- (ii) Under the E&D Rules, 1975, orders regarding minor penalties were passed by the Authorized Officer (Rule 7-A). Under the E&D Rules, 1999, the Enquiry Officer was empowered to issue orders where the minor penalties were to be awarded {Rule 7(7)(a)}. However, under the PRSO, 2000, the categorization of major and minor penalties have been dispensed with and now orders regarding:
 - a) awarding any one or more penalties; or
 - b) exonerating the accused
 have to be passed by the Competent Authority only (under Section 8):

- (iii) Under the E&D Rules, 1975, show cause notice was served on the accused by the Authorized Officer in case he decided that it was not necessary to hold an enquiry against the accused { Rule 6(3)}. Under the E&D Rule, 1999, this function was to be performed by the Authority in case the Authority decided not to hold an enquiry against the accused { Rule 6(6)}. However, under the PRSO, 2000, show cause notice has to be given by the Competent Authority in each and every case (except where a civil servant is accused of subversion or convicted of moral turpitude or financial irregularities leading to a sentence of fine or imprisonment) before inflicting any penalty on the accused { Section 3(2)}.

2. I am, therefore, directed to request that the provisions of the PRSO, 2000 may kindly be followed in letter and spirit in order to avoid further complications.

No.SOR.I(S& GAD)1-76/2003
Dated the 24th September 2005

Subject: CHANGE OF PROCEDURE UNDER PUNJAB REMOVAL FROM
SERVICE (SPECIAL POWERS) ORDINANCE, 2000 – ISSUANCE OF
SHOW CAUSE NOTICE UNDER SECTION 3(2)

I am directed to refer to this department's circular letter of even number dated 21.05.2005 on the subject noted above and to state that there have been instances where some of the departments are not observing requirements of Section 3(2) of the PRSO, 2000 and confine themselves to granting personal hearing only to the accused before imposing a penalty on him. Although the necessity of affording personal hearing to the accused in terms of Section 8 of the Ordinance is imperative, yet personal hearing notice cannot be substituted for the Show Cause Notice required to be issued under Section 3(2) of the Ordinance, wherein not only the proposed penalty is to be specified but also a chance of additional defence is to be provided to the accused. Non-observance of this legal requirement not only renders the final order illegal, it also cannot sustain judicial scrutiny of the higher judicial fora.

2. I am further directed to invite attention of the Competent Authorities concerned, to their legal obligation of adhering to the following requirements of Section 3(2) of the PRSO, 2000:

- i) Where the inquiry procedure is dispensed with by the Competent Authority under Section 5(4) of the Ordinance merely a show cause notice would be required to be served on the accused in terms of section 3(2)(a) of the Ordinance, before passing an order under sub section (1) of section 3. The Competent Authority shall specify the penalty/penalties to be imposed on the accused in the said show cause notice. Thereafter, the accused shall be afforded an opportunity of personal hearing by the Competent Authority under Section 8 of the Ordinance.
- ii) Where the inquiry proceedings are held under Section 5(1) of the Ordinance, the Competent Authority shall, in the light of findings and recommendations of the Inquiry Officer and other relevant record, issue a show cause notice to the accused under Section 3(2), specifying the penalty/penalties under Section 8 of the Ordinance.

- iii) The Competent Authority may issue show cause notice under Section 3(2) and hearing notice under Section 8 of the Ordinance either separately or jointly. In case issuing show cause-cum-personal hearing notice, the Competent Authority shall not only propose imposition of specific penalty/penalties on the accused but also direct him to appear before him or the designated hearing officer, as the case may be, for personal hearing.

3. I am, therefore, directed to request for adherence to the above provisions of law/procedure in letter and spirit, before imposing penalties upon the accused under the PRSO, 2000.

No.SOR.I(S&GAD)4-32/2004
Dated the 29th September 2004

Subject: CONTINUATION OF E&D PROCEEDINGS UNDER E&D RULES/
PUNJAB REMOVAL FROM SERVICE (SPECIAL POWERS)
ORDINANCE, 2000 AGAINST CIVIL SERVANTS AFTER THEIR
RETIREMENT FROM GOVERNMENT SERVICE

I am directed to refer to the subject noted above and to state that the Provincial Ombudsman, Punjab has taken a serious view in a complaint case that the competent authorities are passing orders under PCS (E&D) Rules/PRSO, 2000 against the accused civil servants, even after their retirement from service on attaining the age of superannuation or otherwise. Such orders of penalty are not legally tenable under the law/rules.

2. It may be clarified that the disciplinary proceedings against the accused officers/officials can be instituted and continued under PCS (E&D) Rules, 1975/1999 or Punjab Removal from Service (Special Powers) Ordinance, 2000 only till they hold the status of civil servants within the meaning of Punjab Civil Servants Act, 1974. A civil servant on his retirement from Government services either on attaining the age of superannuation or otherwise, ceases to be a civil servant. As a result thereof, he cannot be proceeded against under the rules/Ordinance *ibid* and the pending disciplinary proceedings against him abate w.e.f. the date of his retirement from service. As such, the pending disciplinary proceedings under E&D Rules/PRSO, 2000 against him cannot continue further after his retirement from service.

3. However, the Pension Sanctioning Authority, with the approval of the appointing authority, can proceed against him afresh under rule 1.8 of the PCS Pension Rules, 1963, if the retired civil servant is found guilty of conviction of serious crime or grave misconduct either during or after his retirement from service. This will require an order under rule 1.8 of Pension Rules and not continuation of enquiry instituted under a different regime of law i.e. E&D Rules or Punjab Removal from Service (Special Powers) Ordinance, 2000.

4. Administrative Departments are, therefore, requested kindly to ensure that the competent authorities do not continue enquiry proceedings against the accused after their retirement from service under PCS (E&D) Rules, 1975/1999 or PRSO, 2000, whichever the case may be. After their retirement from service, they can proceed afresh against the delinquent retired civil servants under rule 1.8 of the PCS Pension Rules, 1963, if they are found guilty of conviction of serious crime or grave misconduct.

No.SOR.I(S& GAD)1-40/2002
Dated the 22nd September 2005

Subject: MAXIMUM PERIOD OF SUSPENSION UNDER SECTION 4 OF THE
PUNJAB REMOVAL FROM SERVICE (SPECIAL POWERS)
ORDINANCE, 2000

I am directed to refer to the subject noted above and to state that various departments and offices of the Provincial Government have been approaching the Regulations Wing now and then to seek clarification as to what is the maximum period of suspension under Section 4 of the Punjab Removal from Service (Special Powers) Ordinance, 2000 and in case the suspension period exceeds three months, whether the suspension period is required to be extended after every three months as in the case of the provisions under the erstwhile Punjab Civil Servants (E&D) Rules, 1975/1999.

2. An analysis of the relevant provisions of both the rules and ordinance *ibid* is as follows:

- i) Rule 6(1) of PCS (E&D) Rules, 1975/1999 *inter alia* provides that in case where a civil servant is accused of sub-version, corruption or misconduct, he may be placed under suspension by the authority provided that continuation of the suspension by the authority provided that continuation of the suspension shall require the prior approval of the authority after every three months, while
- ii) Section 4 of the Punjab Removal from Service (Special Powers) Ordinance, 2000 provides that a person against whom action is proposed to be taken under Sub Section (1) of Section 3 may be placed under suspension if, in the opinion of the competent authority, suspension is necessary or expedient.

3. It is clarified that Section 4 of the Punjab Removal from Service (Special Powers) Ordinance, 2000 does not specify any period of suspension. That means a civil servant will not be suspended for a specific period and extension in his/her suspension period will not be required. He will, therefore, remain under suspension till the conclusion of the disciplinary proceedings initiated against him under the Ordinance *ibid* or he is reinstated in service by the Competent Authority, whichever is earlier. Approval of the Competent Authority for extension in suspension period after every three months would not be required.

4. This clarification is being issued in consultation with the Establishment Division, Government of Pakistan and the Provincial Law & Parliamentary Affairs Department.

No.SOR.I(S& GAD)1-111/2005
Dated the 10th July 2006

Subject: APPOINTMENT OF INQUIRY/HEARING OFFICERS BY
DESIGNATION INSTEAD OF BY NAME

I am directed to refer to the subject noted above and to state that Section 5(1) and Section 8 of the Punjab Removal from Service (Special Powers) Ordinance, 2000 govern the appointment of Inquiry/Hearing Officer by the Competent Authorities, as mentioned hereunder:

- i. "Section 5(1). If the competent authority considers that an inquiry is necessary, it shall, before passing an order under section 3, appoint an Inquiry Officer who, or Inquiry Committee whose convenor, shall be of a rank senior to that of the accused or if there are more than one accused, senior to all accused, to scrutinize the conduct of a person in Government service or a person in corporation service who is alleged to have committed any of the acts or omissions specified in section 3. In case two or more accused are to be proceeded against jointly . . . "
- ii. Section 8. Order to be passed upon a finding: Every finding recorded by the Inquiry Officer or Inquiry Committee under section 5 shall, with the recommendation provided for in that section, be submitted to the competent authority and the competent authority may pass such orders thereon as it may deem proper in accordance with the provisions of this Ordinance:
Provided that the Competent Authority, before passing any order under this section, shall, either itself or through any other officer senior in rank to the accused person, afford such person an opportunity of personal hearing: . . . "

2. Both the above provisions of the law are, however, silent about the appointment of Inquiry/Hearing Officers by name or by designation. It has been observed that the Inquiry/Hearing Officers are often nominated by name instead of by designation. Resultantly, when an Inquiry Officer or Hearing Officer nominated by name ceases to hold his office as a result of his retirement, termination from service, transfer or death, the inquiry proceedings are considerably delayed.

3. It has, therefore, been decided that in order to circumvent the delays by re-nominating Inquiry/Hearing Officers, the Competent Authority may resort to nominations of Inquiry/Hearing Officers by designation rather than by names.

4. I am, therefore, further directed to request that the above decision of the Government may strictly be followed by the Competent Authorities in letter and spirit, while appointing Inquiry/Hearing Officers under the relevant provisions of PRSO, 2000.

No.SOR.I(S&GAD)1-50/2003
Dated the 27th July 2006

Subject: INITIATION OF DEPARTMENTAL PROCEEDINGS UNDER THE PUNJAB REMOVAL FROM SERVICE (SPECIAL POWERS) ORDINANCE, 2000 – OBSERVANCE OF THE PROVISIONS OF RULE 4.12 OF CSR, VOLUME-I, PART-I BY THE COMPETENT AUTHORITIES

I am directed to refer to the subject noted above and to state that in a disciplinary case initiated under Punjab Removal from Service (Special Powers) Ordinance, 2000, the competent authority awarded major penalty of reduction in scale by two stages upon the accused, and on filing appeal, the Punjab Service Tribunal modified the penalty to reduction in scale by one stage. On filing CPLA No. 2348-L/2003, the Supreme Court ordered that the penalty of reduction in pay scale by one stage shall remain confined to one year.

2. The above orders of the Supreme Court are based on Rule 4.12 of the CSR, Punjab, Volume-I, Part-I, which reads as under:

"If a Government servant is, on account of misconduct or inefficiency, reduced to a lower grade or post, or to a lower stage in his time-scale, the authority ordering such reduction shall state the period for which it shall be effective and whether on restoration, it shall operate to postpone future increments and if so to what extent."

3. It has been noticed that most of the Competent Authorities do not keep this rule in view while imposing penalty of reduction in grade or post of pay scale under PRSO, 2000.

4. I am, therefore, directed to request that the competent authorities may strictly comply with the provisions of Rule 4.12 of CSR Volume-I, Part-I, while imposing penalties on the accused under the PRSO, 2000.

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**THE PUNJAB EMPLOYEES
EFFICIENCY, DISCIPLINE AND
ACCOUNTABILITY ACT 2006**

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NOTIFICATION

17th October 2006

No. PAP-Legis-2(32)/2005/871. The Punjab Employees Efficiency, Discipline and Accountability Bill 2005, having been passed by the Provincial Assembly of the Punjab on 2 October 2006, and assented to by the Governor of the Punjab on 13 October 2006, is hereby published as an Act of the Provincial Assembly of the Punjab.

THE PUNJAB EMPLOYEES EFFICIENCY, DISCIPLINE AND ACCOUNTABILITY ACT 2006 *(ACT XII OF 2006)*

[First published, after having received the assent of the Governor of the Punjab, in the Gazette of the Punjab (Extraordinary) dated 17 October 2006.]

An Act

to provide for proceedings against the employees in Government and corporation service in relation to their efficiency, discipline and accountability.

Preamble. – Whereas it is expedient and necessary in the public interest and for good governance to provide measures for improvement of efficiency, discipline and accountability of employees in government and corporation service and matters connected therewith or ancillary thereto;

It is hereby enacted as follows:-

1. **Short title, extent, commencement and application.** – (1) This Act may be called the Punjab Employees Efficiency, Discipline and Accountability Act 2006.

(2) It extends to the whole of the Punjab.

(3) It shall come into force at once.

(4) It shall apply to-

(i) employees in government service;

(ii) employees in corporation service; and

(iii) retired employees of government and corporation service; provided that proceedings under this Act are initiated against them during their service or within one year of their retirement.

2. **Definitions.** – In this Act, unless there is anything repugnant in the subject or context-

(a) 'accused' means a person who is or has been an employee and against whom action is initiated under this Act;

(b) 'appellate authority' means the authority next above the competent authority to which an appeal lies against the orders of the competent authority;

(c) 'appointing authority' in relation to an employee or class of employees means an appointing authority declared or notified as such by an order of the Government or organization or under the

rules, etc., as may be applicable to such employee or class of employees;

- (d) 'charge' means allegations framed against the accused pertaining to acts of omission and commission cognizable under this Act;
- (e) 'Chief Minister' means the Chief Minister of the Punjab;
- (f) 'competent authority' means-
 - (i) the Chief Minister; or
 - *(ii) in relation to any employee or class of employees, any officer or authority authorized by the Chief Minister to exercise the powers of competent authority under this Act; provided that such officer or authority shall not be inferior in rank to the appointing authority prescribed for the post held by the employee against whom action is to be taken; or
 - (iii) in relation to an employee of a tribunal or court, functioning under the Government, the appointing authority or the chairman or presiding officer of such tribunal or court, as the case may be, authorized by the appointing authority to exercise the powers of competent authority under this Act:

Provided that where two or more employees are to be proceeded against jointly, the competent authority in relation to senior most employee in rank shall be the competent authority in respect of all the accused:

Provided further that where the competent authority, other than the Chief Minister, has any interest in the result of proceedings under this Act, and does not desire to act as competent authority due to personal reasons, he shall not proceed with the case and shall report the matter to the next higher authority who shall authorize another officer of the corresponding rank and status to act as the competent authority in a specific case;

- (g) 'corruption' means –
 - (i) accepting or obtaining or offering any gratification or valuable thing, directly or indirectly, other than legal remuneration, as a reward for doing or for bearing to do any official act: or
 - (ii) dishonestly or fraudulently misappropriating, or indulging in embezzlement or misusing Government property or resources; or

*Under this clause instructions about 'competent authority' issued vide letter No. SO R-I (S&GAD)1-30/2003 dated 24.12.2010 and 06.02.2007.

- (iii) possession of pecuniary sources or property by an employee or any of his dependents or any other person, through him or on his behalf, which cannot be accounted for and which are disproportionate to his known sources of income; or
- (iv) maintaining standard of living beyond known sources of income; or
- (v) having a reputation of being corrupt; or
- (vi) entering into plea bargain under any law for the time being in force and return the assets or gains acquired through corruption or corrupt practices, voluntarily;
- (h) 'employee' means a person –
 - (i) in the employment of a corporation, corporate body, autonomous body, authority, statutory body or any other organization or institution set up, established, owned, managed or controlled by the Government, by or under any law for the time being in force or a body or organization in which the Government has a controlling share or interest and includes the chairman and the chief executive and the holder of any other office therein; and
 - * (ii) in Government service or who is a member of a civil service of the province or who holds a civil post in connection with the affairs of the province or any employee serving in any court or tribunal set up or established by the Government, but does not include –
 - (aa) a Judge of the High Court or any court subordinate to that Court or an employee of such courts; and
 - (bb) an employee of Police.
- (i) 'Government' means the Government of the Punjab;
- (j) 'hearing officer' means an officer, senior in rank to the accused, appointed by any authority competent to appoint hearing officer, to afford an opportunity of personal hearing to the accused on behalf of the authority concerned;
- (k) 'inefficiency' means failure to –
 - (i) efficiently perform functions assigned to an employee in the discharge of his duties; or
 - (ii) qualify departmental examination in three consecutive attempts;

*Section 2, sub-clause (ii) of clause (h) substituted vide Notification No.PAP-Legis-2(109)/2011/725 dated 30.07.2012.

- (l) 'inquiry committee' means a committee of two or more officers, headed by a convener, as may be appointed by the competent authority under this Act;
- (m) 'inquiry officer' means an officer appointed by the competent authority under this Act;
- (n) 'misconduct' includes –
 - (i) conduct prejudicial to good order or service discipline; or
 - (ii) conduct contrary to the conduct rules, for the time being in force; or
 - (iii) conduct unbecoming of an officer and a gentleman; or
 - (iv) involvement or participation for gain directly or indirectly, in industry, trade or speculative transactions by abuse or misuse of official position to gain undue advantage or assumption of such financial or other obligations in relation to private institutions or persons, as may compromise the performance of official duties or functions; or
 - (v) any act to bring or attempt to bring outside influence directly or indirectly to bear on the Governor, the Chief Minister, a Minister, or any other authority in respect of any matter relating to the appointment, promotion, transfer, punishment, retirement or other conditions of service; or
 - (vi) making appointment or promotion or having been appointed or promoted on extraneous grounds in violation of any law or rules; or
 - (vii) absence from duty without prior approval of leave; or
 - (viii) acquittal by a court of law as a result of compounding of an offence involving moral turpitude or affecting human body; or
 - (ix) conviction for an offence by a court of law;
- (o) 'prescribed' means prescribed by rules made under this Act; and
- (p) 'section' means section of this Act.

3. **Grounds for proceedings and penalty.** – An employee shall be liable to be proceeded against under this Act, if he is –

- (i) inefficient or has ceased to be efficient for any reason; or
- (ii) guilty of misconduct; or
- (iii) guilty of corruption or is reasonably considered to be corrupt; or
- (iv) engaged or is reasonably believed to be engaged in subversive activities, and his retention in service is prejudicial to national security, or is guilty of disclosure of official secrets to any unauthorized person.

4. **Penalties** – (1) The competent authority may, notwithstanding anything contained in any law or the terms and conditions of service of the accused, by an order in writing, impose one or more of the following penalties, namely:-

(a) Minor penalties –

- (i) censure;
- (ii) withholding of increment or increments, for a specific period, subject to a maximum of five years;
- (iii) fine not exceeding basic pay of one month;
- (iv) reduction to a lower stage or stages in pay scale, subject to a maximum of five stages; and
- (v) withholding of promotion for a specific period, subject to a maximum of five years; provided that this period shall be counted from the date when a person junior to the accused is considered for promotion and is promoted on regular basis for the first time;

(b) Major penalties –

- (i) recovery from pay, pension or any other amount payable to the accused, the whole or a part of any pecuniary loss caused to the Government or the organization in which he was employed, and if the amount due from any such person cannot be wholly recovered from the pay, pension or any other amount payable to him, such amount shall be recovered under the law for the time being in force;
- (ii) reduction to a lower post and pay scale from the substantive or regular post for a specific period subject to a maximum of five years;
- (iii) forfeiture of past service for a specific period subject to a maximum of five years;
- (iv) compulsory retirement;
- (v) removal from service; and
- (vi) dismissal from service; and

(c) Penalties after retirement –

- (i) withholding of pension or any part thereof;
- (ii) withdrawing of pension or any part thereof; and
- (iii) recovery from pension or any other amount payable to the accused, of pecuniary loss caused to Government or the organization in which he was employed, and if the amount due from any such person cannot be wholly recovered from the pension or any other amount payable to him, such amount shall be recovered under the law for the time being in force.

(2) Dismissal from service under this Act shall disqualify the employee for future employment under the Government or under any organization to which the provisions of this Act apply.

(3) Any penalty under this Act shall not absolve an employee or accused from liability to any punishment to which he may be liable for an offence, under any law, committed by him while in service.

5. **Initiation of proceedings** – (1) If on the basis of its own knowledge or information placed before it, the competent authority is of the opinion that there are sufficient grounds for initiating proceedings against an employee under this Act, it shall either—

- (a) proceed itself against the accused by issuing a show cause notice under section 7 and, for reasons to be recorded in writing, dispense with the enquiry:

Provided that no opportunity of showing cause or personal hearing shall be given where—

- (i) the competent authority is satisfied that in the interest of security of Pakistan or any part thereof, it is not expedient to give such an opportunity; or
- (ii) an employee has entered into plea bargain under any law for the time being in force or has been convicted of the charges of corruption which have led to a sentence of fine or imprisonment; or
- (iii) an employee is involved in subversive activities; or
- (iv) it is not reasonably practicable to give such an opportunity to the accused; or

- (b) get an inquiry conducted into the charge or charges against the accused, by appointing an inquiry officer or an inquiry committee, as the case may be, under section 10:

Provided that the competent authority shall dispense with the inquiry where—

- (i) an employee has been convicted of any offence other than corruption by a court of law under any law for the time being in force; or
- (ii) an employee is or has been absent from duty without prior approval of leave:

Provided further that the competent authority may dispense with the inquiry where it is in possession of sufficient documentary evidence against the accused or, for reasons to be recorded in writing, he is satisfied that there is no need to hold an inquiry.

(2) The orders of inquiry or the show cause notice, as the case may be, shall be signed by the competent authority; provided that where the Chief Minister is competent authority, the same shall be signed by such officer as may be authorized by him in this behalf.

6. **Suspension.** – An employee against whom action is proposed to be initiated under section 5 may be placed under suspension for a period of ninety days, if in the opinion of the competent authority, suspension is necessary or expedient, and if the period of suspension is not extended for a further period of ninety days within thirty days of the expiry of initial period of suspension, the employee shall be deemed to be reinstated:

Provided that the continuation of the period of suspension shall require the prior approval of the competent authority for each period of extension.

7. **Procedure where inquiry is dispensed with.** – If the competent authority decides that it is not necessary to hold an inquiry against the accused under section 5, it shall –

- (a) inform the accused by an order in writing, of the grounds for proceeding against him, clearly specifying the charges therein, alongwith apportionment of responsibility and the penalty or penalties proposed to be imposed upon him;
- (b) give him a reasonable opportunity of showing cause against the proposed action, within seven days of receipt of the order or within such extended period as the competent authority may determine;
- (c) on receipt of reply of the accused within the stipulated period or after the expiry thereof, if no reply is received, determine whether the charge or charges have been proved against the accused or not;

Provided that after receipt of reply to the show cause notice from the accused, the competent authority, except where the Chief Minister himself is competent authority, shall decide the case within a period of ninety days, excluding the time during which the post held by the competent authority remained vacant due to certain reasons:

Provided further that if the case is not decided by the competent authority within the prescribed period of ninety days, the accused may file an application before the appellate authority for early decision of his case, which may direct the competent authority to decide the case within a specified period.

- (d) afford an opportunity of personal hearing either itself or through the hearing officer, before passing any order of penalty under clause (f), if it is determined that the charge or charges have been proved against him; provided that the hearing officer shall only be appointed where the competent authority is of the rank of Secretary to Government of the Punjab or above; and
- (e) exonerate the accused, by an order in writing, if it is determined that the charge or charges have not been proved against him; and

- (f) impose any one or more penalties mentioned in section 4, by an order in writing, if the charge or charges are proved against the accused:

Provided that –

- (i) Where charge or charges of grave corruption are proved against an accused, the penalty of dismissal from service shall be imposed, in addition to the penalty of recovery, if any; and
- (ii) Where charge of absence from duty for a period of more than one year is proved against the accused, the penalty of compulsory retirement or removal or dismissal from service shall be imposed upon the accused.

8. **Action in case of conviction or plea bargain under any law.** – Where an employee is convicted by a court of law or has entered into plea bargain or has been acquitted by a court of law as a result of compounding of an offence involving moral turpitude or affecting human body under any law for the time being in force, the competent authority, after examining facts of the case, shall –

- (a) dismiss the employee, where he has been convicted of charges of corruption or has entered into plea bargain and has returned the assets or gains acquired through corruption or corrupt practices voluntarily; or
- (b) proceed against the employee under section 7, where he has been convicted of charges other than corruption; or
- (c) proceed against the employee under section 9, where he has been acquitted by a court of law as a result of compounding of an offence involving moral turpitude or affecting human body.

9. **Procedure to be followed by competent authority where inquiry is necessary.** – (1) If the competent authority decides that it is necessary to hold an inquiry against the accused under section 5, it shall pass an order of inquiry in writing, which shall include –

- (a) appointment of an inquiry officer or an inquiry committee; provided that the inquiry officer or the convener of inquiry committee, as the case may be, shall be of a rank senior to the accused and where two or more accused are proceeded against jointly, the inquiry officer or the convener of the inquiry committee shall be of a rank senior to the senior most accused;
- (b) the grounds for proceeding, clearly specifying the charges along with apportionment of responsibility;
- (c) appointment of the departmental representative by designation; and
- (d) direction to the accused to submit written defense to the inquiry officer or the inquiry committee, as the case may be, within seven days of the date of receipt of orders or within

such extended period as the competent authority may determine.

(2) The record of the case and the list of witnesses, if any, shall be communicated to the inquiry officer or the inquiry committee, as the case may be, along with the orders of inquiry.

10. **Procedure to be followed by inquiry officer or inquiry committee.** – (1) On receipt of reply of the accused or on expiry of the stipulated period, if no reply is received from the accused, the inquiry officer or the inquiry committee, as the case may be, shall inquire into the charges and may examine such oral or documentary evidence in support of the charge or in defense of the accused as may be considered necessary and where any witness is produced by one party, the other party shall be entitled to cross examine such witness.

(2) If the accused fails to furnish his reply within the stipulated period, or extended period, if any, the inquiry officer or the inquiry committee, as the case may be, shall proceed with the inquiry ex-parte.

(3) The inquiry officer or the inquiry committee, as the case may be, shall hear the case from day to day and no adjournment shall be given except for reasons to be recorded in writing, in which case it shall not be of more than seven days.

(4) Where the inquiry officer or the inquiry committee, as the case may be, is satisfied that the accused is hampering or attempting to hamper the progress of the inquiry, he or it shall administer a warning and if, thereafter, he or it is satisfied that the accused is acting in disregard to the warning, he or it shall record a finding to that effect and proceed to complete the inquiry in such manner as may be deemed expedient in the interest of justice.

(5) If the accused absents himself from the inquiry on medical grounds, he shall be deemed to have hampered or attempted to hamper the progress of the inquiry, unless medical leave, applied for by him, is sanctioned on the recommendation of a Medical Board; provided that the competent authority may, in its discretion, sanction medical leave upto seven days without recommendation of the Medical Board.

(6) The inquiry officer or the inquiry committee, as the case may be, shall submit his or its report, containing clear findings as to whether the charge or charges have been proved or not and specific recommendations regarding exoneration or, imposition of penalty or penalties, to the competent authority within sixty days of the initiation of inquiry:

Provided that where the inquiry cannot be completed within sixty days, the inquiry officer or the inquiry committee, as the case may be, shall seek extension for specific period from the competent authority, for reasons to be recorded in writing:

Provided further that the inquiry shall not be vitiated merely on the grounds of non-observance of the time schedule for completion of inquiry:

Provided further that the recommendations of the inquiry officer or the inquiry committee, as the case may be, shall not be binding on the competent authority.

11. **Powers of the Inquiry Officer or Inquiry Committee.** – (1) For the purpose of an inquiry under this Act, the inquiry officer and the inquiry committee shall have the powers of a Civil Court trying a suit under the Code of Civil Procedure, 1908, (*Act V of 1908*), in respect of the following:-

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents, and receiving evidence on affidavits; and
- (c) issuing commissions for the examination of witnesses or documents.

(2) The proceedings under this Act shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Pakistan Penal Code 1860 (*Act XLV of 1860*).

12. **Duties of the departmental representative.** – The departmental representative shall perform the following duties, namely –

- (a) render full assistance to the inquiry officer or the inquiry committee or hearing officer or the authority concerned, as the case may be, during the proceedings where he shall be personally present and fully prepared with all the relevant record relating to the case, on each date of hearing;
- (b) cross-examine the witnesses produced by the accused and with permission of the inquiry officer or inquiry committee, as the case may be, the prosecution witnesses in case of their turning hostile; and
- c) rebut the grounds of defense offered by the accused before the hearing officer or the authority concerned.

13. **Order to be passed by the competent authority on receipt of report from the inquiry officer or inquiry committee.** – (1) On receipt of the report from the inquiry officer or inquiry committee, as the case may be, the competent authority shall examine the report and the relevant case material and determine whether the inquiry has been conducted in accordance with the provisions of this Act.

(2) If the competent authority is satisfied that the inquiry has been conducted in accordance with the provisions of this Act, it shall further determine whether the charge or charges have been proved against the accused or not.

(3) Where the charge or charges have not been proved, the competent authority shall exonerate the accused by an order in writing.

(4) Where the charge or charges have been proved against the accused, the competent authority shall issue a show cause notice to the accused by which it shall –

- (a) inform him of the charges proved against him and the penalty or penalties proposed to be imposed upon him by the inquiry officer or inquiry committee;
- (b) give him reasonable opportunity of showing cause against the penalty or penalties proposed to be imposed upon him

and to submit as to why one or more of the penalties as provided in section 4 may not be imposed upon him and to submit additional defense in writing, if any, within seven days of the receipt of the notice, before itself or the hearing officer, as the case may be;

- (c) indicate the date of personal hearing or appoint a hearing officer to afford an opportunity of personal hearing on his behalf; provided that the hearing officer shall only be appointed where the competent authority is of the rank of Secretary to Government of the Punjab or above;
- (d) provide a copy of the inquiry report to the accused; and
- (e) direct the departmental representative to appear, with all the relevant record, on the date of hearing before himself or the hearing officer, as the case may be.

(5) After affording personal hearing to the accused or on receipt of the report of the hearing officer, the competent authority shall, keeping in view the findings and recommendations of the inquiry officer or inquiry committee, as the case may be, facts of the case and defence offered by the accused during personal hearing, by an order in writing –

- (i) exonerate the accused; or
- (ii) impose any one or more of the penalties specified in section 4:

Provided that –

- (i) Where charge or charges of grave corruption are proved against an accused, the penalty of dismissal from service shall be imposed, in addition to the penalty of recovery, if any; and
- (ii) Where charge of absence from duty for a period of more than one year is proved against the accused, the penalty of compulsory retirement or removal or dismissal from service shall be imposed upon the accused.

(6) Where the Competent Authority is satisfied that the inquiry proceedings have not been conducted in accordance with the provisions of this Act or the facts and merits of the case have been ignored or there are other sufficient grounds, it may, after recording reasons in writing, either remand the inquiry to the inquiry officer or the inquiry committee, as the case may be, with such directions as the competent authority may like to give, or may order a de novo inquiry.

(7) After receipt of inquiry report, the competent authority, except where the Chief Minister himself is the competent authority, shall decide the case within a period of ninety days, excluding the time during which the post held by the competent authority remained vacant due to certain reasons.

(8) If the case is not decided by the competent authority within the prescribed period of ninety days, the accused may file an application before the appellate authority for early decision of his case, which may direct the competent authority to decide the case within a specified period.

14. **Personal hearing.** – (1) The authority affording personal hearing or the hearing officer on receiving an order of his appointment shall, by an order in writing, call the accused and the departmental representative, along with relevant record of the case, to appear before him for personal hearing on the fixed date and time.

(2) After affording personal hearing to the accused, the authority or the hearing officer shall, in relation to the case and the contention of the accused during the hearing, record his remarks in writing and, in case hearing officer, submit a report to the authority so appointed him which shall include—

- (i) summary of the inquiry report where inquiry was conducted under section 10, or summary of the defence offered by the accused to the show cause notice under section 7, or grounds of appeal or review filed under section 16, as the case may be;
- (ii) summary of defence offered by the accused during the hearing, if any; and
- (iii) views of the departmental representative, if any.

15. **Procedure of inquiry against officers lent to other governments, etc.** –

(1) Where the services of an employee are transferred or lent to any other government, department, corporation, corporate body, autonomous body, authority, statutory body or any other organization or institution, hereinafter referred to as the borrowing organization, the competent authority for the post against which such employee is posted in the borrowing organization may –

- (a) suspend him under Section 6; and
- (b) initiate proceedings against him under this Act:

Provided that the borrowing organization shall forthwith inform the lending organization of the circumstances leading to the order of his suspension and the commencement of the proceedings:

Provided further that the borrowing organization shall obtain prior approval of the lending organization before taking any action under this Act, against an employee holding a post in Basic Pay Scale 17 or above.

(2) If, in the light of the findings of the proceedings taken against the accused in terms of sub-section (1), the borrowing organization is of the opinion that any penalty may have to be imposed on him, it shall transmit the record of the proceedings to the lending organization, and the competent authority in the lending organization shall thereupon take action against the accused under Section 13.

(3) Notwithstanding anything to the contrary contained in sub-sections (1) and (2), the Chief Minister may, in respect of certain employees or class of employees, authorize any officer or authority in the borrowing organization to exercise all the powers of competent authority under this Act.

16. **Departmental appeal and review.** – (1) An accused who has been awarded any penalty under this Act may, except where the penalty has been imposed by the Chief Minister, within thirty days from the date of communication of the order, prefer departmental appeal directly to the appellate authority:

Provided that where the order has been passed by the Chief Minister, the accused may, within the aforesaid period, submit a review petition directly to the Chief Minister.

(2) The authority empowered under sub-section (1) shall call for the record of the case and comments on the points raised in the appeal from the concerned department or office, and on consideration of the appeal or the review petition, as the case may be, by an order in writing –

- (a) uphold the order of penalty and reject the appeal or review petition; or
- (b) set aside the orders and exonerate the accused; or
- (c) modify the orders and reduce or enhance the penalty; or
- (d) set aside the order of penalty and remand the case to the competent authority, where it is satisfied that the proceedings by the competent authority or the inquiry officer or inquiry committee, as the case may be, have not been conducted in accordance with the provisions of this Act, or the facts and merits of the case have been ignored, with the directions to either hold a de novo inquiry or to rectify the procedural lapses or irregularities in the proceedings:

Provided that where the appellate or review authority proposes to enhance the penalty, it shall by an order in writing –

- (i) inform the accused of the action proposed to be taken against him and the grounds of such action; and
- (ii) give him a reasonable opportunity to show cause against the action and afford him an opportunity of personal hearing either itself or through a hearing officer; Provided that the hearing officer shall only be appointed where the appellate or the review authority is of the rank of Secretary to Government of the Punjab or above.

(3) An appeal or review preferred under this section shall be made in the form of a petition, in writing, and shall set forth concisely the grounds of objection to the impugned order in a proper and temperate language.

17. **Revision.** – (1) The Chief Minister, Chief Secretary or the Administrative Secretary or any other appellate authority may call for the record of any proceedings within one year of the order of exoneration or imposition of a penalty, passed by the competent authority or the order of appellate authority, as the case may be, for the purpose of satisfying himself as to the correctness, legality or propriety of such proceedings or order.

(2) On examining the record of the case, such authority may –

- (i) uphold the orders of the competent authority or the appellate authority, as the case may be; or
- (ii) order the competent authority to hold de novo inquiry; or
- (iii) impose or enhance a penalty or penalties:

Provided that no order, prejudicial to the accused, shall be passed under this section unless the accused has been

given a reasonable opportunity of showing cause against the proposed action and an opportunity of personal hearing.

18. **Appearance of counsel.** – The accused, at no stage of the proceedings under this Act, except proceedings under section 19, shall be represented by an advocate.

19. **Appeal before Punjab Service Tribunal.** – (1) Notwithstanding anything contained in any other law for the time being in force, any employee aggrieved by any final order passed under Section 16 or 17 may, within thirty days from the date of communication of the order, prefer an appeal to the Punjab Service Tribunal established under the Punjab Service Tribunals Act, 1974 (*Punjab Act, IX of 1974*).

(2) If a decision on a departmental appeal or review petition, as the case may be, filed under section 16 is not received within a period of sixty days of filing thereof, the affected employee may file an appeal in the Punjab Service Tribunal within a period of thirty days of the expiry of the aforesaid period, whereafter, the authority with whom the departmental appeal or review is pending, shall not take any further action.

20. **Act to override other laws.** – The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law for the time being in force.

21. **Proceedings under this Act.** – (1) Subject to this Act, all proceedings initiated against the employees having retired or in service, shall be governed by the provisions of this Act and the rules made thereunder:

Provided that in case of retired employee, the proceedings so initiated against him shall be finalized not later than two years of his retirement.

(2) The competent authority may, by an order in writing, impose one or more penalties specified in clause (c) of section 4, if the charge or charges are proved against the retired employee.

22. **Indemnity.** – No suit, prosecution or other legal proceedings shall lie against the competent authority or any other authority for anything done or intended to be done in good faith under this Act or the rules, instructions or directions made or issued thereunder.

23. **Jurisdiction barred.** – Save as provided under this Act, no order made or proceedings taken under this Act, or the rules made thereunder, shall be called in question in any court and no injunction shall be granted by any court in respect of any decision so made or proceedings taken in pursuance of any power conferred by, or under this Act, or the rules made thereunder.

24. **Power to make rules.** – The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

25. **Removal of difficulties.** – If any difficulty arises in giving effect to any of the provisions of this Act, the Chief Minister may make such order, not inconsistent with the provisions of this Act, as may appear to him to be necessary for the purpose of removing that difficulty.

26. **Repeal.** – (1) The Punjab Removal from Service (Special Powers) Ordinance, 2000 (*Ord. IV of 2000*), is hereby repealed.

(2) Notwithstanding the repeal of the Punjab Removal from Service (Special Powers) Ordinance, 2000 (*Ord. IV of 2000*), all proceedings pending immediately before the commencement of this Act against any employee under the said repealed Ordinance or under the Punjab Civil Servants Act, 1974 (*Pb. Act, VIII of 1974*), and rules made thereunder, or any other law or rules shall continue under that law and rules, in the manner provided thereunder.

**♦MODEL DRAFT ORDER OF APPOINTMENT OF INQUIRY
OFFICER/COMMITTEE TO BE SIGNED/ISSUED BY THE COMPETENT
AUTHORITY UNDER SECTION 9 READ WITH SECTION 5(1)(b) OF THE
PUNJAB EMPLOYEES EFFICIENCY, DISCIPLINE AND
ACCOUNTABILITY ACT 2006**

ORDER OF INQUIRY

WHEREAS, the undersigned as Competent Authority under the Punjab Employees Efficiency, Discipline and Accountability Act 2006 is of the opinion that there are sufficient grounds to proceed against Mr./M/s. _____ (name/names and designation of the accused) under Section 3 of the Act *ibid* on the charges (of inefficiency, misconduct, corruption and engagement in subversive activities). I, therefore, order initiation of disciplinary proceedings against the accused under the Punjab Employees Efficiency, Discipline and Accountability Act 2006.

2. AND WHEREAS, I consider that in the light of facts of the case and in the interest of justice, it is necessary to hold an inquiry. I, therefore, appoint Mr. _____ (name & designation) as inquiry officer/inquiry committee consisting of the following:

- 1) Mr. _____ (Name & Designation/Convener)
- 2) Mr. _____ (Name & Designation/Member)
- 3) Mr. _____ (Name & Designation/Member)

to proceed against the accused in terms of Section 5 read with Section 9 of the Act *ibid* and to conduct inquiry into the following charge(s):

- i. _____ (give full description of the charge)
- ii. _____ -do-
- iii. _____ -do-

3. The accused official/officials is/are directed to submit his/their written defence to the Inquiry Officer/the Inquiry Committee, within seven days of the date of receipt of this order (or within such extended period as may be determined by the Competent Authority). If he/they fail to submit his/their written defence within the prescribed period, it shall be presumed that either he/they have no defence to offer or he/they have declined to offer the same and he/they have accepted the charge(s).

4. Mr. _____ (name & designation) is appointed as Departmental Representative in terms of Section 9(1)(c) read with Section 12 of the Act *ibid*.

5. In case the accused official/officials desires/desire to consult any record on which the aforesaid charges are based or is relevant to the aforesaid charge(s), he/

♦ Model order/notices added vide letter No. SORI(S&GAD)1-30/2003(P-I) dated 13.12.2006.

they may do so with prior arrangement with the undersigned or the Departmental Representative within _____ days of the receipt of this order.

6. The Inquiry Officer or Inquiry Committee shall submit his/its report and recommendations to the undersigned within sixty days of the initiation of inquiry in terms of Section 10 (6) of the Act *ibid*.

SIGNATURE OF THE COMPETENT AUTHORITY
NAME & DESIGNATION

Note: Model is only for guidance and may be modified keeping in view the requirements of the case.

**MODEL DRAFT SHOW CAUSE-CUM-PERSONAL HEARING NOTICE
UNDER SECTION 13 (4)**

To

(name of the accused)

Subject: SHOW CAUSE-CUM-PERSONAL HEARING NOTICE UNDER
SECTION 13(4) OF THE PUNJAB EMPLOYEES EFFICIENCY,
DISCIPLINE AND ACCOUNTABILITY ACT 2006

WHEREAS, disciplinary proceedings were initiated against you by the undersigned /competent authority under the provisions of the Punjab Employees Efficiency, Discipline and Accountability Act 2006, on the charge(s) of (inefficiency, misconduct, corruption and engagement in subversive activities) vide Order

No. _____ dated _____.

2. AND WHEREAS, the Inquiry Officer/Committee submitted his/its inquiry report, according to which the following charge/charges have been proved against you:

Sr. No.	Charge No.	Extent to which charge proved
1.		(Fully proved or partially proved)
2.		(Fully proved or partially proved)

The inquiry Officer/Committee has recommended imposition of penalty (give details) upon you in terms of Section 4 of the Act. A copy of the inquiry report is enclosed.

3. AND WHEREAS, after perusal of the inquiry report and other relevant record, I have found no reason to differ/I have reasons to differ (give detailed reasons for differing) with the findings and recommendations of the Inquiry Officer/Committee. Hence the charge/charges leveled vide above referred order have been proved against you for which you are liable to be imposed the following penalty/penalties in terms of Section 4 of the Act *ibid*:

i.	_____	(specific penalty/penalties)
ii.	_____	-do-
iii.	_____	-do-

4. NOW, THEREFORE, in exercise of the powers conferred upon me as Competent Authority under Section 13(4) of the Punjab Employees Efficiency, Discipline and Accountability Act 2006, you are hereby called upon to show cause within seven days, of the receipt of this notice, as to why the above mentioned penalty/penalties may not be imposed upon you. You are also allowed to submit your additional defence in writing, if any.

5. You are also offered an opportunity of personal hearing and directed to appear before the undersigned {or before Mr._____ Hearing Officer appointed by the competent authority (in case competent authority is Secretary to the Government of Punjab or above)} on _____ for this purpose.

SIGNATURE OF THE COMPETENT AUTHORITY
NAME & DESIGNATION

Note: Model Notice is only for guidance and may be modified keeping in view the requirements of the case.

**MODEL SHOW CAUSE NOTICE UNDER SECTION 7 (b) READ WITH
SECTION 5(1)(a) OF THE PUNJAB EMPLOYEES EFFICIENCY,
DISCIPLINE AND ACCOUNTABILITY ACT 2006
TO BE ISSUED BY THE AUTHORITY**

Subject: SHOW CAUSE NOTICE

WHEREAS, the undersigned as Competent Authority, under the Punjab Employees Efficiency, Discipline and Accountability Act 2006, in due consideration of the facts of this case is of the view that you, Mr. _____
While posted as _____ during the period from ____ to _____
_____ have committed the following irregularities and there are sufficient grounds to proceed against you:

- | | | |
|------|-------|--|
| i. | _____ | (give full description of the allegations) |
| ii. | _____ | -do- |
| iii. | _____ | -do- |

2. AND WHEREAS, the undersigned is of the opinion that it is not necessary to hold an inquiry into the matter in view of the provisions contained in Section 5 (1)(b) of the Act *ibid*. It is, therefore, proposed to proceed against you under Section 7(b) read with Section 5(1)(a) of Punjab Employees, Efficiency, Discipline and Accountability Act 2006.

3. NOW, THEREFORE, you are hereby called upon to show cause in writing within seven days (or within such period as may be extended by the competent authority) of the receipt of this notice as to why one or more of the penalties as prescribed in Section 4 of the Punjab Employees Efficiency, Discipline and Accountability Act 2006 should not be imposed upon you.

4. Your reply to this show cause notice should reach the undersigned within the said period, failing which it shall be presumed that you have no defence to offer.

5. In case you desire to consult any record, on which the aforesaid charges are based or is relevant to the aforesaid charge(s) you may do so with prior arrangement with the undersigned within _____ days of the receipt of this notice.

SIGNATURE OF THE COMPETENT AUTHORITY
NAME & DESIGNATION

Note: Model Notice is only for guidance and may be modified keeping in view the requirements of the case.

**MODEL DRAFT OF PERSONAL HEARING NOTICE UNDER SECTION
7(d) OF THE PUNJAB EMPLOYEES EFFICIENCY, DISCIPLINE AND
ACCOUNTABILITY ACT 2006**

To

(name of the accused)

Subject: PERSONAL HEARING NOTICE UNDER SECTION 7(d).

WHEREAS, inquiry proceedings were initiated against you by the undersigned as competent authority under the Punjab Employees Efficiency, Discipline and Accountability Act 2006, on the charge(s) of (inefficiency, misconduct, corruption and engagement in subversive activities) and it was decided to dispense with the inquiry in terms of Section 5(1)(b).

2. AND WHEREAS, a show cause notice was served upon you in terms of Section 7(b) read with Section 5(1)(a) of the Act *ibid*, bearing No. _____ dated _____ to submit your written reply within _____ days.

3. AND WHEREAS, your reply to the said show cause notice has been considered and it has been determined that the following charge(s) as contained in the show cause notice has/have been proved against you:

Sr. No.	Charge No.	Extent to which charge proved
1.		(Fully proved or partially proved)
2.		(Fully proved or partially proved)

Hence, it is proposed to impose the following penalty/penalties upon you in terms of Section 4 of the Act *ibid*:

i. _____	(specific penalty/penalties)
ii. _____	-do-
iii. _____	-do-

4. NOW, THEREFORE, you are afforded an opportunity of personal hearing in terms of Section 7(d) of the Act and directed to appear before the undersigned { or before Mr. _____ Hearing Officer appointed by the competent authority (in case competent authority is Secretary to the Government of Punjab or above)} on _____ for this purpose.

SIGNATURE OF THE COMPETENT AUTHORITY
NAME & DESIGNATION

Note: Model Notice is only for guidance and may be modified keeping in view the requirements of the case.

Copy of letter No. SOR-I(S&GAD) 1-30/2003 dated 13th February, 2013

In exercise of the powers conferred on him under sub-clause (ii) of clause (f) of Section 2 of the Punjab Employees Efficiency, Discipline and Accountability Act 2006 and in supersession of this department's Notification No. SORI(S&GAD)1-30/2003, dated 24.12.2010, the Chief Minister is pleased to authorize the officers/authorities shown in column No. 4 of the following Table to exercise the powers of the Competent Authority under the Act *ibid* in relation to an employee or class of employees shown in column No. 2 of the Table:

TABLE

Sr. No.	Employee/Class of Employees	Holder of the Post	Officer/Authority authorized to exercise powers of competent authority
1.	2.	3.	4.
1.	Employee in the Government in a post, or belonging to a service, group or cadre in the Secretariat Departments controlled by the Government.	(i) Post in BS-19 and above.	Chief Minister
		(ii) In BS-16 to 18	Appointing Authority
		(iii) In BS-1 to 15	Appointing Authority in the S&GAD; and in case of other Departments of the Government, Additional Secretary (Administration) of the Department, or in his absence, Administrative Secretary of the Department.
2.	Employee in an attached department or a subordinate office of the Government or District Government.	(i) In BS-19 and above	Chief Minister
		(ii) In BS-1 to 18	Appointing Authority
3.	Employee of a Corporation, Corporate Body, Autonomous Body, Statutory Body, Institution or Organization as defined in sub-clause (i) of clause (h) of section 2 of the Act <i>ibid</i> .	In BS-1 and above	Appointing Authority

Explanation:

The expression "BS" in the Table means the Pay Scale originally sanctioned for the post and does not include Pay Scale of a person on account of officiating/current charge appointment.

Copy of letter No. SOR-I(S& GAD) 1-30/2003 dated 06.02.2007

In exercise of the powers conferred upon him under sub-clause (ii) of clause (f) of section 2 of the Punjab Employees Efficiency, Discipline and Accountability Act 2006, the Chief Minister is pleased to authorize the officers/authorities shown in column 4 of the following Table to exercise the powers of the competent authority under the Act ibid in relation to an employee or class of employees shown in column 2 of the Table:

TABLE

Sr. No.	Employees/Class of Employees	Holder of the Post	Officer/Authority authorized to exercise powers of competent authority
1.	Employees placed in the Surplus Pool of S& GAD	(i) In BS-1 to 4	Deputy Secretary (Personnel), S& GAD
		(ii) In BS-5 to 15	Additional Secretary (Admin), S& GAD
		(iii) In BS-16 to 18	Additional Chief Secretary, S& GAD
		(iv) In BS-19 and above	Chief Minister
2.	Retired Employees of Government	In BS-1 and above	Appointing Authority at the time of retirement
3.	Retired Employees of Corporation	In BS-1 and above	Appointing Authority at the time of retirement

Explanation:

“BS” in the Table means the Pay Scale sanctioned for the post and does not include Pay Scale of a person on account of officiating/current charge appointment.

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ANCILLARY INSTRUCTIONS

THE PUNJAB EMPLOYEES EFFICIENCY,
DISCIPLINE AND
ACCOUNTABILITY ACT 2006

No.SOR-I(S& GAD)1-50/2003(P-III)

Dated the 24th February, 2007

Subject:IMPOSITION OF PENALTY OF WITHHOLDING OF
INCREMENTS UNDER E&D RULES, PRSO 2000 AND
PEEDA 2006

I am directed to refer to the subject cited above and to state that competent authorities have been empowered to impose one or more of the penalties provided under the E&D Rules, PRSO, 2000 and Punjab Employees Efficiency, Discipline and Accountability Act 2006 (PEEDA). The competent authorities are expected to be cautious enough while exercising powers vested in them under the above-mentioned rules/laws in order to discipline the Government employees. However, it has been brought to the notice of the Government that the penalty of withholding of increments is sometimes imposed without considering all aspects of the case, especially when the employee is drawing pay at the maximum of his pay scale. In such situation, the penalty of withholding of increments cannot be enforced. Moreover, the penalty of withholding of increments remains effective for specific period and thereafter the withheld increments are restored. An employee may be at the fag end of his career and imposition of penalty of withholding of increments may cause undue hardship and eventually it may have a bearing upon his pension case. The competent authorities should, therefore, foresee that such a penalty expires well before the date of retirement/superannuation to save the employee from recurring loss.

2. In view of the above, I am directed to request that the penalty of withholding of increments may be imposed by the competent authorities after considering all aspects of the case.

No. E&A(S& GAD)12(308)/99-A

Dated the 20th June, 2007

NOTIFICATION

In supersession of this Department's Notification of even number dated 18th February, 2002, in exercise of the powers authorized by the Governor of the Punjab as mentioned in Table-I (a), Serial No.3, Column-III of Notification No. SOR-III-1-33/94(B), dated 05.11.2001, Additional Chief Secretary, being the Competent Authority of Employees in BS-1-15 belonging to a Service, Group or Cadre in Secretariat Departments controlled by the Punjab Government, is pleased to designate the Secretary of Administrative Department concerned to exercise powers of Competent Authority to proceed/initiate action as per provisions of Punjab Employees Efficiency, Discipline and Accountability Act 2006 against the delinquent officials in BS-1-15, working under their administrative control.

NO.PS/AS(G)2-24/04
Dated the 20th March 2004

Subject: GUIDELINES TO BE ADHERED TO BY THE HEARING OFFICERS,
DESIGNATED UNDER DISCIPLINARY STATUTES

Both the Punjab Civil Servants (E&D) Rules, 1975, 1999 and the Punjab Removal from Service (Special Powers) Ordinance, 2000 require that an accused must be given an opportunity of personal hearing before a penalty can be imposed upon him. This personal hearing is to be accorded by the Authority. However, the Authority can designate an officer senior in rank to the accused as Hearing Officer for this purpose.

2. The Hearing Officers are required to provide an opportunity of personal hearing and to record the submissions of the accused officer during the proceedings, substance of which is to be recorded in writing and submitted for consideration of Authority.

3. It has been noticed with concern that the Hearing Officers are exceeding their mandate. Instead of confining themselves to place the record of hearing before the Authority they go to the extent of admitting additional evidence, analyzing the evidence on record, commenting upon the conclusions and recommendations of the Inquiry Officer/Authorized Officer, etc.

4. In this connection, attention is drawn to the clear and settled position of law as held in 1994, PLD (C.S.) 1113 in which it was held as follows:

“Punjab Civil Servants (Efficiency and Discipline) Rules, 1975

R.8. Designate Authority – Report prepared by designated authority – Legal Defect – Designated Officer was required to prepare record of personal hearing of civil servant which did not empower such designated authority to record the findings and decide the matter or to submit the case for approval of authority.”

5. It is accordingly directed that the Hearing Officers shall contain themselves strictly to preparation of record of personal hearing and shall not comment upon the conclusions, findings and recommendations of the Inquiry and Authorized Officers since the Authority is responsible for taking a final decision on merits without any influence or bias which such unauthorized comments would create.

6. Please communicate these instructions to all authorities subordinate to you as well for strict compliance.

NO.SO(C-II) 5-2/2010
Dated the 4th December 2010

Subject: APPOINTMENT OF ENQUIRY OFFICER

I am directed to refer to the subject cited above and to inform that the Chief Minister Punjab has observed that Government Officers, who are entrusted to conduct inquiries under PEEDA Act 2006 by the Competent Authorities from time to time, try to avoid the same for one reason or the other. It will be appreciated that this trend not only reflects indifference/disinterest on their part in the conduct of such official business but also leads to inordinate delays in the finalization of

disciplinary proceedings. Furthermore, half-hearted conduct of the inquiries also defeats the very purpose of accountability of the delinquents. On the other hand, the officers who exhibit diligence and commitment to the disposal of such official work are over-burdened by entrusting them large number of inquiries.

2. The Chief Minister has shown his deep concern over the prevailing situation as explained above and has directed that a system may be evolved which envisages that the inquiries entrusted to various officers are conducted by them timely and it may also be ensured that while entrusting an inquiry the number of inquiries already entrusted to an officer in a calendar year are also kept in view. It has further been desired that number of enquiries entrusted to an officer and completed by him in a calendar year be reflected in column 9 of Part-I by the officer to be reported upon and commented upon by the reporting officer in column (c) of Part-V of the Performance Evaluation Report.

3. The Chief Minister Punjab has, therefore, been pleased to direct that:

- a) The Administrative Department should comply above directions strictly at Secretariat level as well as by the respective authorities in their lower formations in respect of disciplinary cases which are dealt with at the department level.
- b) All Administrative Secretaries should route their summaries through the Services Wing of S&GAD where enquiry officers are required to be appointed out of their respective chain of command.

4. I am further directed to request that these instructions may kindly be followed in letter and spirit.

No.SOR-I(S&GAD)1-50/2003(P-III)

Dated the 10th December 2010

Subject: CLARIFICATION REGARDING IMPOSITION OF PENALTIES
UNDER THE PROVISIONS OF PEEDA ACT 2006

Kindly refer to the subject noted above.

2. It has been brought to the notice of the Chief Secretary, Punjab that penalty of withholding of increment/increments is neither being recommended by the Enquiry Officers (EOs) nor awarded by the competent authorities as provided under section 4(a)(ii) of the Punjab Employees Efficiency, Discipline and Accountability Act 2006. Some of the enquiry officers recommend award of penalty of withholding of 2/3 increments for a period of one year. It is worth mentioning that only one increment is earned in a calendar year. Therefore, withholding of one increment may be awarded for a period of one year. In case more than one increment is to be withheld then the same should correspond to the number of years. For example penalty of two increments may be awarded as under:

“withholding of annual increments for a period of two years.”

3. In view of the above, competent authorities are requested to award minor penalty of withholding of increment or increments strictly as provided under section

4(a)(ii) of the Punjab Employees Efficiency, Discipline and Accountability Act 2006.

No.SOR-I(S&GAD)1-70/2011

Dated the 17th September 2011

Subject: COMPLETION OF DISCIPLINARY PROCEEDINGS WITHIN THE
STIPULATED PERIOD

Please refer to the subject noted above.

2. It has been noted that disciplinary proceedings initiated under the Punjab Employees Efficiency, Discipline and Accountability Act, 2006 are not being completed within the stipulated period of 60 days. The Chief Minister has taken very serious notice of inordinate delays occurring in disciplinary proceedings. Attention is invited towards sub-section (6) of section 10 of the Punjab Employees Efficiency, Discipline and Accountability Act, 2006 whereby time limit for completion of any enquiry has been fixed. Section 10(6) of the Punjab Employees Efficiency, Discipline and Accountability Act, 2006 reads as under:

“10(6) The inquiry officer or the inquiry committee, as the case may be, shall submit his or its report, containing clear findings as to whether the charge or charges have been proved or not and specific recommendations regarding exoneration or, imposition of penalty or penalties, to the competent authority within sixty days of the initiation of inquiry:

Provided that where the inquiry cannot be completed within sixty days, the inquiry officer or the inquiry committee, as the case may be, shall seek extension for specific period from the competent authority, for reasons to be recorded in writing:

Provided further that the inquiry shall not be vitiated merely on the grounds of non-observance of the time schedule for completion of inquiry:

Provided further that the recommendations of the inquiry officer or the inquiry committee, as the case may be, shall not be binding on the competent authority.”

3. The matter pertaining to disposal of enquiries shall henceforth be strictly monitored by the S&GAD and progress about disposal of such cases shall be placed before the Chief Minister, Punjab as well as Secretaries Committee regularly.

4. You are, therefore, requested to ensure that enquiries initiated under the Punjab Employees Efficiency, Discipline and Accountability Act, 2006 in your Department are completed by the enquiry officers within the stipulated period.

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